Ontario

PREVENTING Sexual Abuse of children in sport

making it

safeR

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safeR

PREVENTING

Sexual Abuse
of children in sport

This contains general information only and does not constitute legal advice.

Consult your legal advisors as to how these general principles may affect your organization

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1 Introduction

Purpose

This Handbook is a guide for Ontario sport organizations, offering tools to help them prevent the sexual abuse of children involved in their activities and to address such problems if and when they arise.

Children should not have to protect themselves from sexual abuse. It is unreasonable to expect them to do so, given the dynamics that almost always exist between children and most sexual offenders.

Taking reasonable steps to protect children from sexual abuse is the responsibility—morally, ethically, and legally—of the adults entrusted with their care—including adults involved in sport organizations, among others. Unfortunately, public revelations of current and past sexual abuse of children and youth involved in sport and recreation, both in small rural communities and in big cities, reveal all too clearly that abuse can happen anywhere.

This Handbook has been prepared especially for use by sport organizations. Thus its focus is, and the examples used are, all about sport.

Each year in Ontario some 1.1 million children participate in organized sport.[1] These activities are generally well organized, competently provided, and safe. They provide wonderful opportunities for children to have fun and to learn to develop physical, team building, and leadership skills; opportunities to build healthy relationships, learn social skills, build trust, expand their understanding of themselves and their capacities; and opportunities to experience important lessons in growing up.

However, here too, children may learn other, harsher lessons. Some children learn that they are not safe, that they are not protected from harm. Sometimes they are abused by the very people who are there to teach, guide, and lead them. The damage done to them is always traumatic, and sometimes lasts a lifetime. The short-, medium- and long-term effects are felt by the children, their families, friends, all members of the organization, and by the larger community itself.

It is very hard to accept that some individuals who involve themselves in sport—people we may know, people whose own children participate—are in fact sexual abusers of children. Nevertheless, the risk is real, and the people who run sport programs, and the families and communities that enjoy them, must act to protect children from those relatively few individuals.

This Handbook is called Making It SafeR. The word SafeR is used deliberately. Every activity involves some risk, and the only absolutely safe organization is one that offers no programs or activities at all. The goal here is to make programs or activities SafeR—as safe as is reasonably possible.

No one can identify a sex offender on sight. Furthermore, no matter how well prepared an organization is, it may be very difficult to identify an abuser before he or she commits a first act of abuse. However, there are concrete and relatively simple ways to limit the opportunities and means abusers have to take advantage of children. It is the objective of this Handbook to assist organizations to develop and implement protective measures to prevent, to the greatest extent possible, the occurrence of the sexual abuse of children within their programs or activities.

What this Handbook is Not

Some behaviours that are defined as abuse when directed towards a child may constitute harassment when directed towards a peer or when perpetrated between adults. This Handbook focuses on sexual abuse of children. Organizations may also wish to consider instituting protective measures to deal with issues of harassment—including sexual harassment—that occur between peers or directed at adults. The Canadian Association for the Advancement of Women and Sport and Physical Activity and the Canadian Hockey Association in their *Speak Out!...Act Now!* publication devotes a chapter specifically to harassment.
It can be found on the Internet at
http://www.harassmentinsport.com/e/handbook/

Making It SafeR presents general advice concerning sexual abuse of children involved in sport organizations that may not apply to all situations. This Handbook does not eliminate the need for an organization to consult its own lawyers about its particular legal obligations. The Ministry strongly advises organizations to obtain legal advice when developing their own protective measures, including procedures for responding or reacting to incidents or allegations of abuse.

Ontario's Child Protection Law

This Handbook discusses certain provisions of Ontario's child protection law, the *Child and Family Services Act*. Amendments to this Act came into effect March 31, 2000. Appendix A provides a comparison of the former provisions and the amendments that replaced them.

Education Modules

Sport organizations seeking to make themselves SafeR are going on a journey that involves a number of steps, and they should involve as many people as possible. To help organizations navigate this route, this package also includes four education modules. They offer material that can be used in educating and training members of the board of directors, coaches, leaders, administrators, and parents. The modules set out the steps using the imagery of a road map, so that participants can identify their particular starting points, the various legs of the trip, and their destination.

Four education modules offer material that can be used in educating and training members of the board of directors, coaches, leaders, administrators, and parents

The Modules include handouts on the *Child and Family Services Act*.

2 Recognizing The Need For Action

The most comprehensive study of sexual harassment and sexual abuse in Canada, the Badgley Report of the mid-1980s, concluded that "53 per cent of females and 31per cent of males have been victims of one or more unwanted sexual acts ... these acts included witnessing an indecent exposure, being touched on a sexual part of the body, being sexually threatened, and being subjected to an attempted or actual sexual assault." The Report further indicated that in approximately four out of five cases, the incidents happened to the victims when they were children or youth.[iii]

Researchers also know that sexual abuse cuts across all economic, social, cultural, religious, class, and racial lines. Children of both sexes, of all ages, races, religions, cultures, economic, and social backgrounds, are victims. Experts agree that the vast majority of victims of child sexual abuse never come forward to disclose that they have been abused.[iii] Furthermore, boys and men are significantly less likely to disclose abuse than are girls and women. Even when a child does tell, the situation is sometimes hushed up and no action taken.

Children, in particular, are vulnerable to being sexually abused. A 1997 survey of 179 police departments in six Canadian provinces showed that 62 per cent of victims of sex offences were under 18 years old; 30 per cent were children under 12, while 32 per cent were youths between 12 and 17 years of age.[iv] Children generally admire and seek approval from older people, and that characteristic makes them vulnerable and most at risk. If that older person has care of, or is in charge of a child for some period of time, the levels of vulnerability and risk rise significantly. Children are generally taught to obey, respect, depend on, and trust adults. Additionally, children, up to approximately the age of 10, have little real understanding of sexuality. This puts them at risk because they may simply not know what is happening to them, or that what is happening is, in fact, sexual abuse. They may feel confused or distressed by what is being done to their bodies and still not realize that it is a violation that they should disclose. Sexual predators are known to use this lack of understanding to manipulate their young victims into "participating" in the abuse and maintaining silence.

Most people who commit acts of sexual abuse are people well known to, and trusted by, their victims—they are not strangers. According to the above-mentioned survey of police departments, fully 77 per cent of victims knew the person who abused them; in 50 per cent of all cases, the accused was a friend or acquaintance while in 28 per cent of cases, the accused was a family member.[v] The relationship between children and leaders in sport organizations is generally not one of child to stranger. Instead, it tends to be a close relationship in which children look to those in charge for protection, guidance, support, and encouragement, much as they look to their parents or others whom they perceive as being in charge.

According to survey of police departments, fully 77 per cent of victims knew the person who abused them;

Sport organizations, like many voluntary organizations, used to be considered above suspicion. Most individuals involved in these organizations were parents, and people generally knew one another. Few activities were undertaken to minimize the risk of sexual abuse since no one believed it to be necessary.

Tragically, sexual abusers have taken advantage of that very fact. They have used the informal and trusting nature of most sport organizations, and the depth of relationships formed there, to target victims and to abuse children, sometimes over extended periods of time.

Even if an organization has been lucky enough to escape having a sexual abuser operating in its midst in the past, organizers cannot simply presume it will always remain that way. Those who manage and control sport organizations need to take reasonable steps to ensure that abuse will not and cannot happen in the future. Sport organizations must take proactive steps to prevent as far as possible the sexual abuse of children involved in the programs and activities of the organization. This imperative is both a moral and a legal one. Ignoring the issue is not an option.

Children Who are Especially Vulnerable

Experts agree that children with physical, emotional, social, developmental, or other disabilities are at far greater risk of abuse than other children. Recent studies estimate that they are two to 10 times more likely to be abused than children without disabilities.[vi]

This may happen for a number of reasons. The disability may make it harder for these children to protect themselves than their peers. They may not be able to talk, walk, run, or to understand what is happening to them. They may not be able to tell anyone that they have been abused. In addition, children with disabilities are more likely than other children to live away from their families, and they may have fewer protectors than other children.

Also at higher risk are isolated or lonely kids: a non-athlete on a competitive sport team, a very shy child, an insecure adolescent, an unpopular child, a child living in an unhappy home, and a child who isn't receiving the attention and affection that every child needs.

Who Abuses Children?

Many people think they will know by looking at someone if he or she is a child molester. Unfortunately, sexual abusers do not stand out from the crowd. Most have good jobs or professional careers; they may be married with children of their own; they often abuse many children over a number of years before they are caught or reported; and many have no record of negative involvement with the police, let alone a criminal record. A British Columbia study revealed that in 80 per cent of the occurrences of sexual abuse studied, the offender occupied a position of trust. Fifty per cent of the offenders were professionals.[vii]

Sexual abusers often abuse many children over a number of years before they are caught or reported; and many have no record of negative involvement with the police. A British Columbia study revealed that in 80 per cent of the occurrences of sexual abuse studied, the offender occupied a position of trust.

Most sexual abusers have a close relationship with their victims, and take advantage of that relationship. Child sexual abuse is rarely a random, single act. Far more often, it takes place over a long period, and the inequalities of power and the relationship between the adult and the child are absolutely fundamental to the abuse. Consequently, sexual abusers actively seek positions of trust over children such as those in sport settings, at schools, churches, and day care centres, among others. They spend

a great deal of time—often over many years—developing relationships, building trust, moving into positions of authority and power, and building up a facade of respectability and credibility.

Yes, there are sexual abusers who kidnap children off the street or from a park. However, most child sexual abuse comes at the hands of those entrusted with the care of children. Parents and family are highest on the list, followed by friends and people in positions of trust—clergy, teachers, doctors, caregivers, social workers, coaches—volunteers and paid staff, including professionals in all kinds of settings.

Of course, the vast majority of people involved in sport organizations want only the best for the children involved. Nevertheless, those who prey on children take advantage of the fact that voluntary organizations are generally trusting and in need of assistance.

Sexual abusers look for circumstances that will make it relatively easy to target victims. Sport organizations feature many of them:

- They involve children of all ages.
- They are sometimes gender specific—that is, they involve only boys or only girls. Some male offenders admit that they target boys, not because they are attracted to boys, but because involvement with boys attracts less attention than would involvement with girls.[viii]
- Children are generally taught to obey adults in authority, including leaders. The younger the child, the more likely he or she is to accept whatever the leader does or says.
- Parents don't always question, or question often enough, what leaders do, especially in really competitive sports.
- Sport organizations are so grateful for the help that they sometimes don't question the actions of leaders.
- Many, if not most, of the people involved are parents. They tend to be trusted automatically.
- In many activities, a close relationship between leaders and participants is encouraged.
- In some activities, particularly competitive sports, that close relationship is vital to success.
- Many activities require children to dress and undress, and to shower in locker rooms or common shower areas.
- Leaders may have to touch children to demonstrate or correct a move or a technique, or to help them if they are hurt.
- Players may spend a great deal of time alone with leaders, travelling, training, and waiting between games at tournaments. The risk of abuse increases with the number and duration of one-on-one situations—in cars, hotels, locker rooms, private homes.
- Overnight trips are common.
- One of the reasons children join sport programs is to enhance their self-esteem and self-confidence. Abusers take advantage of those with low self-esteem and low self-confidence.
- Some children's dreams are wrapped up in their sport abilities. Consequently, coaches or leaders wield enormous power over them.

What Are the Consequences of Child Abuse?

The damage can be deep, crippling, and permanent. Sexual abuse robs children of their innocence through a gross violation of trust.

It robs them of their freedom to be children, to love wholesomely, and to believe that the world is a safe place. The following characteristics are commonly shown by victims of sexual abuse. Some may be short-lived, others may be lifelong.

- Anguish, fear, shame, guilt, anger
- A sense of helplessness, powerlessness
- A sense of betrayal, and inability to trust
- Hostility, aggression, violence
- Withdrawal from friends, activities
- An inability to establish normal, loving intimate relationships, including romantic and sexual relationships
- A loss of self-esteem, depression
- A fear of being judged
- A fear of being known as a victim, a fear of being stared at, laughed at, whispered about
- A fear of losing friends
- Alcohol or drug abuse
- Eating disorders
- Truancy, loss of interest in school
- Inability to secure or hold a job
- Prostitution
- Dissociative Identity Disorder (formerly known as Multiple Personality Disorder)
- Sexually transmitted diseases
- Self-mutilation
- Unwanted pregnancies
- Suicidal thoughts, attempts, success

Experts in the treatment of sexual abuse agree that the sooner a victim is identified and provided with adequate support and treatment, the less likely these symptoms are to emerge or to last for a long time.

3 Definitions and Concepts

Characteristics of Sex Offenders

The 1997 data from police departments showed that, of the accused sex offenders, 98 per cent were male.[vi] However, many researchers and child sexual harassment and abuse workers believe that sex offences committed by women are significantly under-reported and that the percentage of women offenders is probably much higher than 1.5 per cent.[v]

The 1997 police data show the age breakdown of accused sex offenders as follows:

- 1 per cent were 11 or younger
- 18 per cent were between 12 to 17;
- 37 per cent were between 18 and 34;
- 21 per cent were between 35 and 44; and
- 23 per cent were 45 or over.[vi]

Many adult offenders began their activities when they were teenagers. In Ontario, between 1979 and 1984, nearly 1,400 people between the ages of 16 and 19 were convicted of one or more sexual offences.[vii]

Definition of "Child"

Generally speaking, the term "child" refers to girls and boys from infancy to the age of 18. Certain exceptions apply, as in Part III of the *Child and Family Services Act,* which deals with child protection. Part III only applies to children under the age of 16, unless they are already under the care of a children's aid society.

Child Sexual Abuse

Child sexual abuse may be characterized as the use of a child by an older or more powerful child, adolescent, or adult for sexual gratification. Sexual abuse can include contact and non-contact actions.

Examples of contact:

- kissing or holding a child in a sexual manner;
- touching a child's sexual body parts or forcing someone to touch another person's sexual body parts;
- penetrating a child anally or vaginally, with objects or fingers;
- having vaginal, anal, or oral intercourse with a child.

Examples of non-contact:

- flashing or exposing sexual body parts to a child;
- watching intrusively as a child changes or showers;
- speaking or communicating sexually or seductively with a child;
- showing pornographic films, magazines or photographs to a child;
- having children participate in the creation of pornographic materials;
- forcing a child to watch a sexual act performed by others;
- objectifying or ridiculing a child's sexual body parts.[viii]

Children in Need of Protection

For the definition of children who may be in need of protection, which may include abuse and neglect by a parent or person in charge of the child, reference should be made to Appendix A of this Handbook.

Profile of a SafeR Organization:

A SafeR organization is one whose leaders have expressly committed themselves to tackling the problem of sexual abuse of children. They are

prepared to spend time to think about and put in place the measures required to become and to remain a SafeR organization. They are honest with themselves and others about the reality of the organization and what needs to be done.

The board of directors, members of the executive, administrators, leaders, coaches, officials, parents, and participants don't ignore problems. They act to prevent and to respond to them.

People who suspect that a child may be in need of protection, report it to the children's aid society and where appropriate, the police (please see the section on the duty to report for more detailed information). Those in charge of the organization take whatever steps are necessary to cooperate and respond to the investigation, exercise solid judgement, and make good decisions about matters within their control. The organization is diligent about introducing and carrying out safety measures.

Changing the motivation of sexual abusers is not within the control of organizations. However, it is within their control to shape or re-shape the organization's atmosphere, operations, structures, and communication, to reduce or eliminate opportunities for and the means of abuse. Those in charge cannot and must not expect or rely on others, not even the police or child protection agencies, to take the lead in making their organization SafeR. The police and the child protection agencies have little or no control over the atmosphere, operations, structure, and communication of an organization. Rather, these agencies are resources and can help with prevention. Of course, if abuse is reported or alleged, they will investigate. However, the people who run the organization (whether it is incorporated or not) are the primary actors: they control the organization and are responsible for it.

Sexual abuse of children is not just "the board of directors' problem." Abuse is a community problem—it affects everyone. Sexual abuse can raise deep personal emotions and fears, and can do incalculable harm to all. Consequently, it should not be dealt with by a small isolated group, but by the organization as a whole. To minimize difficulties and maximize support for prevention and response efforts, the board or executive should involve the entire community of participants (parents, leaders, coaches, managers, trainers, administrators, and, as appropriate and useful, players, sponsors, funders, parks and recreation departments, police, child protection officials, the media, and the general public) right from the start. The single most important step in achieving a SafeR organization is making action against abuse an organization-wide commitment.

4 The Legal Imperative

The law is clear that the sexual abuse of children, in any form, by anyone, is not acceptable. A sport organization's legal obligation to protect the children involved in its activities from sexual abuse occurring while a child is in that organization's care, comes from different legal sources.

The Criminal Code and the *Child and Family Services Act (CFSA)* are statutes that make child abuse an offence under the law. The *CFSA* also makes it an offence for a professional who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be in need of protection, and fails to report it to a children's aid society. (Under the *CFSA,* an abused child is "in need of protection.")

Sport organizations also owe a duty of care, imposed by common law, to individuals involved in their programs, to avoid or prevent conduct that presents an unreasonable risk of danger or harm.

An organization needs to become familiar with each of these legal regimes in order to understand what the law requires, what legal steps must be taken to deal with issues concerning child sexual abuse, and to be able to educate all of its members—including staff, volunteers, parents, and participants—about the legal rights and obligations that exist to protect children.

Child and Family Services Act

Ontario's *CFSA* provides for a broad range of services for families and children, including children who are or may be in need of protection. A paramount objective of the Act is to promote the best interests, protection and well being of children.

The Act makes it an offence for a person having charge of a child to physically harm, sexually molest or sexually exploit a child, or permit the child to suffer such harm by failing to care and provide for or supervise or protect the child adequately.

Anyone convicted of child abuse may be fined up to $2,000, or imprisoned for up to two years, or both. A director, officer, or employee of a corporation, including a non-profit corporation, who authorizes, permits, or concurs in the abuse of a child by the corporation, is also liable to the same penalties.

The Duty to Report

The *CFSA* recognizes that each of us has a responsibility for the welfare of children. It states that members of the public, including people who perform professional or official duties with respect to children, have an obligation to report promptly to a children's aid society if they suspect that a child is or may be in need of protection. The suspicion and the information upon which it is based must be reported.

The duty to report applies not only to harm or the risk of harm ("harm" as set out in the *CFSA,* section 37) suffered by a child when participating in the sport organization, but also where the harm or risk of harm arises outside the sport organization, e.g., in the child's home. For instance, if a coach becomes aware of a pattern of suspicious injuries or bruises on a child's body and has reasonable grounds to suspect that they were caused by the child's parent, the coach must make a report to the children's aid society.

Grounds for Reporting

The Act sets out, in subsection 72(1), the situations in which a child is said to be "in need of protection." Appendix A of this handbook contains this subsection in full.
Some of the situations in which a child is said to be "in need of protection" are also categorized as "abuse." For example, one situation where a child is said to suffer "abuse" is where physical harm is inflicted by a person having charge of a child. Another situation is where the child requires medical treatment, which the person having charge of a child will not provide.

Ongoing Duty to Report

Subsection 72(2) of the Act states that the duty to report is an ongoing obligation. This means that a person who has additional reasonable grounds to suspect that a child is or may be in need of protection is required to make a further report to a children's aid society even if the person has made previous reports about the same child.

People Must Report Directly

Subsection 72(3) makes it clear that a person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the children's aid society. The person must not rely on any other person to report on his or her behalf.

What are "Reasonable Grounds to Suspect"?

A person need not be sure that a child is or may be in need of protection to make a report to a children's aid society. "Reasonable grounds" are what an average person, given his or her training, background and experience, exercising normal and honest judgement, would believe.

Special Responsibilities of Professionals and Officials, and Penalty for Failure to Report

Professional people and officials have the same duty as any member of the public to report a suspicion that a child is in need of protection. However, the Act recognizes that people working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes their failure to report an offence.

Subsections 72(4) and 72(6.2) deal with the penalty for failure to report. Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to $1,000.

Professionals Affected

Subsection 72(5) provides examples of people who perform professional or official duties with respect to children. They are:

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- teachers and school principals;
- social workers and family counsellors;
- priests, rabbis and other members of the clergy;
- operators or employees of day nurseries;
- youth and recreation workers, but not volunteers;
- peace officers and coroners;
- solicitors; and
- service providers and employees of service providers.

The list contains illustrations only. An individual whose work involves children but is not listed above may still be considered to be a professional for purposes of the duty to report. If an individual is not sure whether he or she may be considered to be a professional for purposes of the duty to report, he or she should contact a local children's aid society, or the professional association or regulatory body to whom he or she belongs for advice on this matter.

It should be noted that a volunteer who is performing professional or official duties with respect to a child may be considered to be a professional for purposes of the duty to report. For example, a doctor who volunteers her time to serve as team doctor would be required to report suspected abuse or be subject to penalties. There is an exception provided in the legislation for volunteer youth and recreation workers.

Legal Protection for People who Make a Report to a Children's Aid Society

Subsections 72(7) and 72(8) speak to professional confidentiality, and protection from liability.

The duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official.

In other words, the professional must report to a children's aid society even when the information is supposed to be confidential or privileged. (The only exception for "privileged" information is in the relationship between a solicitor and a client.) If a civil action is brought against a person who made a report, that person will be protected unless he or she acted maliciously or without reasonable grounds for his or her suspicion.

Criminal Code of Canada

The Criminal Code contains numerous provisions relating to the sexual abuse of children, such as prohibitions against sexual assault and other sexual offences.

Sexual Assault

An assault is generally defined as the intentional application of force to a person by another without the victim's consent. This can include mere touching.

Sexual assault is a type of assault. It has been described as a situation where assault of a sexual nature violates the sexual integrity of the victim. This includes an act that is intended to degrade or demean another person for sexual gratification.

Other Sexual Offences Against Children

The *Criminal Code* specifically recognizes the vulnerability of children to sexual offences. There are several offences dealing with the direct or indirect touching of children's bodies for sexual purposes. These are as follows:

- "Sexual interference" is the direct or indirect touching, for a sexual purpose, of any part of the body of a child under the age of 14;
- "Invitation to sexual touching" involves inviting a child under the age of 14 to touch his or her own body or the body of any other person, including the person doing the inviting for a sexual purpose;
- "Sexual exploitation" is an offence committed by anyone in a position of trust or authority towards a young person, defined as someone between the ages of 14 and 18 years old, who touches that young person for a sexual purpose or invites touching for a sexual purpose.

There are also additional offences that may or may not apply to a particular situation. These offences are:

- bestiality performed in the presence of or by a child, where the child is under the age of 14;
- indecent acts, including the exposure of genitals for a sexual purpose, where a child is under the age of 14;
- living off the avails of child prostitution, where the child is under 18 years of age;
- attempting to obtain the sexual services of a child under 18 years of age; and
- permitting any sexual activity involving a child under 18 on premises within the control of the offender.

An accused can be convicted of sexual assault against a child on the basis of the child's evidence alone.

Penalties under the Criminal Code vary depending on the nature of the offence and the circumstances involved. They range from fines to substantial prison sentences.

3. Consent

The issue of when a person can be said to have voluntarily agreed to engage in sexual activity is a very complicated one in criminal law.

In general, where someone has abused a position of trust, power or authority in inducing a person to engage in sexual activity or in committing sexual assault, there is no consent. There are many other Criminal Code provisions relating to consent.

4. Prohibition Orders

The Criminal Code also deals with situations where it may be necessary to obtain the court's assistance to keep certain individuals away from children. Any person who fears, on reasonable grounds, that another person will commit certain sexual offences against children under 14, may apply to a court for an order prohibiting the suspected offender from participating in activities that involve contact with children under 14. The order may prohibit attendance at specified places where children under 14 are likely to be present, such as schoolyards or public parks for up to 12 months.

To protect children from contact with convicted sex offenders, the Criminal Code permits a court to impose a prohibition order. The order prohibits the offender from attendance at places where children under 14 are likely to be present, or from obtaining paid or volunteer employment in a position of trust or authority with children under 14. This prohibition order may be for life or a shorter period.

The Common Law

The common law is the name given to the body of judge-made law, as distinct from law that is set out in statutes or Acts of government. The common law is based on a number of basic principles such as the duty of care.

The Duty of Care

With respect to sport organizations, the duty of care encompasses the legal obligation of the organization to protect people, especially children and other vulnerable individuals, from harm that might arise in their programs and activities. Sport organizations owe a duty of care to the individuals involved in their programs, to avoid or prevent conduct that presents an unreasonable risk of danger or harm.

However, organizations are not legally obligated to provide an absolute guarantee of safety for children involved in their programs. The law recognizes that there is an element of risk involved in all activities. **Organizations are strongly encouraged to seek legal advice on how they can best meet their "duty of care" obligations.**

The standard of care will vary depending on the specific circumstances of each organization, on the nature of the relationship between the organization and its participants, the nature of the programs offered, and the risks involved in those programs. The question is whether or not the organization and the individuals responsible for it have done what is necessary, under the circumstances, to reasonably ensure that harm does not come to those in its care.

There is no one single standard of care expected of sport organizations. That standard will vary depending on the specific circumstances of each organization, on the nature of the relationship between the organization and its participants, the nature of the programs offered, and the risks involved in those programs. The question is whether or not the organization and the individuals responsible for it have done what is necessary, under the circumstances, to reasonably ensure that harm does not come to those in its care.

At a minimum, this involves assessing the general risks inherent in providing activities for children, and the more specific risks peculiar to the organization and its activities. The fact that an organization deals with children—especially if those children have a physical or mental disability and are even more vulnerable than others—has a bearing. The organization cannot assume, in those circumstances, that the children will take normal precautions for their own safety. The organization must anticipate children's vulnerability, innocence and deference to authority. Those characteristics must be considered when making decisions about an organization's programs, its facilities, and the people who lead, manage or supervise its activities. (See Position Analysis for Screening form provided in Section V, under subsection "Risk Assessment of Operations.")

Organizations can be found liable for harm that might arise from their action or inaction relative to their programs and activities.

In addition to the direct liability of an organization for failure to take reasonable steps to prevent sexual abuse, an organization can also be held liable for the harmful actions of the people who act on its behalf. A court might find an organization liable even if the organization itself had no knowledge of the harmful actions, and the actions took place through no fault of the organization's. This includes the actions of paid staff, volunteers, and other people who provide a service to the organization (e.g., co-op students, or people on community service orders).

To conclude, failure to adequately protect children from harm may result in a court action against the organization, officers, directors, employees or others. A court could find that there has been negligence, in breach of the duty of care. The court would likely award damages to the child harmed. Civil lawsuits for damages arising from sexual abuse may be brought by victims many years after the alleged abuse took place. Some successful lawsuits have taken place 20 years after the incidents.

The bottom line is that the best way to protect the organization is to do everything prudent, reasonable, appropriate, and necessary to minimize the risk that harm could be done to children by those who provide services, whether employed or volunteers. Such steps should be well documented.

Unincorporated Associations

If an incorporated organization is successfully sued, liability is usually limited to the organization itself and its assets. Usually, the individual officers and directors of an incorporated organization will not be held personally liable. On the other hand, it is the members of an unincorporated organization who will generally be held to be personally liable for the actions (or inaction) of the unincorporated association. Their personal assets, and particularly those of the individuals who lead and control the organization, can therefore be at risk, as they can be named personally in any lawsuit. It is therefore particularly important for such organizations to take all necessary measures to minimize the risks of sexual abuse occurring to the children participating in its programs.

5 Prevention of Sexual Abuse Within An Organization

Education, communication, and commitment are key to an organization's efforts to prevent the occurrence of sexual abuse of the children in its care. Everyone involved in a sport organization needs to be educated about child abuse and its consequences. Ongoing, active communication—both internal and external—is necessary to communicate the organization's commitment to protect the children in its care. An ongoing commitment of time, energy, and resources is required in order to adequately assess and address the risks inherent in the organization's activities.

It is recommended that sport organizations develop formal measures that will foster safety and protection for all, minimize the risk of harm coming to any child in their programs, and assist sport organizations in meeting their legal duty of care

It is recommended that sport organizations develop formal measures that will foster safety and protection for all, minimize the risk of harm coming to any child in their programs, and assist sport organizations in meeting their legal duty of care outlined in the earlier section.

These protective measures include articulating statements of principle, policies, specific procedures, practices, and guidelines to deal with the prevention of, and response to, sexual abuse. It is not recommended, however, that an organization begin its abuse prevention efforts by developing policies. Instead, important groundwork must be carried out in order to ensure that these policies, and the procedures, practices, and guidelines that emerge from them, are built on a solid foundation.

The following building blocks are required:

1. Learn about child sexual abuse and its consequences and why sport organizations are among the targets of sex offenders.
2. Commit the organization to take action to prevent and respond to abuse.
3. Invite all stakeholders to participate in the fight against abuse; listen carefully to their concerns.
4. Understand the moral, ethical and legal obligations of individuals and organizations to protect children.
5. Formally articulate the values and principles that underlie and shape the organization's commitment to, and action on the prevention of child sexual abuse.
6. Conduct a risk assessment of the organization's atmosphere, operations, structure, and internal and external communication, including identifying local resources that can assist in prevention efforts; and address the risks identified.

This foundation will, in turn, be a solid foundation for abuse prevention measures, including the development of policies, response procedures, practices, and guidelines. Items 1 to 4 above have been discussed in Chapters II and IV, "Recognizing the Need for Action," and the "Legal Imperative." Items 5 and 6 above, concerning risk management, are dealt with below.

Risk Management

Organizations act to prevent sexual abuse by making risk management a fundamental part of their activities. Risk management entails identifying the things that could go wrong or cause harm in their programs and activities,

Risk management entails identifying the things that could go wrong or cause harm in their programs and activities, and taking steps to prevent them from happening, or minimizing their impact if they do.

and taking steps to prevent them from happening, or minimizing their impact if they do. It has two important objectives: to protect participants from harm, and to protect the organization and its members from successful liability claims. The best way to achieve the latter objective is to achieve the former.

Risk Management Framework: Atmosphere, Operations, Structure, Communication

In order to manage risk effectively, a framework that can help organizations consider all the issues in an orderly, meaningful way is needed. One way (there are others) of organizing risk management activities is to consider the organization as if it were made up of layers: risk management measures in all these layers are needed. They are, from the outside in: Atmosphere, Operations, Structure, and Communication. They are described below.

Atmosphere:

How does the organization feel? An organization can have the best, strictest policies in the world. It can rigorously screen staff. It can have all kinds of procedures designed to maximize safety—but if people don't feel welcome, or part of a team, or safe, or that they can raise questions and disclose concerns, then the policies and screening and procedures may be useless, even an impediment. Do people feel like they are part of a team? That they are working together? Can people talk about risks, concerns here? What happens to those who do? What is the ethos of this organization? What are its traditions? How does its history affect its current situation and its approach to risk? What are the unwritten rules of the organization? What impact do they have on what really goes on? What can be done? And how to get things done?

Structure:

How does the organization deal formally with issues of risk? What are the principles on which it acts? The policies that rest on those principles? The procedures and practices that are consistent with those policies? Is there someone or some group formally charged with responsibility for risk management? Are there training and education programs in the organization about risk issues? Is there monitoring, follow-up, evaluation? Are appropriate changes made to risk measures on the basis of monitoring, follow-up, and critical evaluation?

Risk management measures in an organization's atmosphere, structure, operations and communication are needed.

Operations:

What does the organization do? Where and how does it do these things? For whom? Under what circumstances? Who provides services on behalf of the organization? What are the inherent and foreseeable risks in all of these elements of the operation? What risk management measures are in place to eliminate, avoid, or minimize these risks? How are risk management measures at the Operations level integrated with risk management measures in the Atmosphere, Structure, and Communications levels of the organization?

"Programs, Premises, and People" are the heart of Operations of any organization. Screening takes place here.

Communication:

What does the organization say, internally and externally, intentionally and unintentionally, in verbal and written communication, about risk issues? Unclear, muddled, contradictory communication can add to risk—if people don't know what's really going on, they make assumptions, act on rumours, hearsay, etc. In addition, it is important that all communication, internally and externally, be consistent. If communication internally is unclear, it won't become clear when the organization tries to communicate externally.

Conducting a risk assessment of an organization's atmosphere, operations, structure, and communication is an important step in understanding not just where an organization, and its participants, are vulnerable, but also to ascertain what prevention efforts can and should be taken. People, including children, participate in sport programs in order to benefit from them—to gain skills, to have fun, to meet other people, etc. Together with those benefits, however, comes the risk that something harmful might occur, such as physical injury or sexual abuse. Individuals and organizations must act to reduce those risks as much as possible, in order to ensure that the benefits of participation outweigh those risks.

To assess risk an organization should ask itself two key questions:

1) What could go wrong—that is, what opportunities and means exist for sexual abuse to occur?
2) How do we reduce the likelihood of such things going wrong? Can the risks be eliminated, or at least minimized?

Responding to risk then requires an organization to act on the answers to those questions.

Every organization has the capacity to do a competent risk assessment of its own atmosphere, operations, structure, and communication. This is best carried out by a group from within the organization, representing all the stakeholders—all of the officers and directors, paid or volunteer staff with supervisory or management responsibility for volunteer coordination, human resources management and program coordination, and representatives of the players/participants, parents, coaches or other program staff, officials, sponsors, representatives of the municipality where appropriate, and funders, if any.

A RISK ASSESSMENT AND MANAGEMENT GUIDE

Here is a guideline to assist an organization in conducting such a risk assessment: to consider how the various aspects of the organization may provide a greater or lesser risk of harm; to detect harm if it is occurring; and to minimize the chance of it happening again.

The first time an organization does this it will probably take two to four meetings (10 to 20 hours total). This may seem like a lot of time; however, once the first risk assessment has been done thoroughly and the results are on paper, periodic reviews of the risk assessment can be completed in a matter of a few hours once or twice a year.

Risk Assessment of Atmosphere

The atmosphere is the heart of the organization. Beneath the layers of what the organization says about itself, how it is set up, and what it does, lies its essential reality. What is the organization really like? How do people feel about participating in its activities?

Step 1: Assess the Risks

To assess an organization's atmosphere, ask "How does the organization feel? Is it friendly, cold, or something in between? What are the prevalent attitudes of the participants, parents, staff, etc.?"

Identify and assess the ways in which the atmosphere creates, increases, or decreases the risk of child sexual abuse occurring. The organization's stakehoulders should ask themselves the following questions:

- Is child sexual abuse ever discussed within the organization, either informally or in formal meetings?
- Does the organization provide any information about the issue to participants, parents, staff, volunteers, and officials?
- Does the organization acknowledge or believe that child sexual abuse could happen within its programs? Is the organization afraid to confront the issue?
- If a child were to become the victim of sexual abuse by a member of the organization, could that child really tell someone within it about this? How would he or she be received? Would he or she be taken seriously? Would anything be done in response? Would anyone know how to meaningfully respond?
- If an adult or a child were to report suspicions that a child was the victim of abuse, how would the organization react?
- Does the organization really maintain confidentiality, by confining sensitive information only to those who need to know?
- If children cannot or do not feel safe about talking to someone in the organization about abuse, does that increase the possibility that someone within the organization could abuse them? If adults are not believed either, does that increase the risk of something happening?
- Does the atmosphere within the organization encourage abusers because its members find it so hard to talk about the issue of abuse? Does the atmosphere make it more or less likely that an abuser could harm one or more children and go unreported and/or not be stopped?

Step 2: Act to Control the Risks

Take action to control the risks posed by the organization's atmosphere as identified above. Eliminate risk entirely where possible, and minimize it to the extent possible where it cannot be eliminated altogether. An organization can consider transferring any risk that cannot be eliminated, where it is possible to do so, usually through the purchase of insurance. Still, it is up to those involved in and responsible for an organization, to create and sustain an atmosphere that actively discourages abusers, and supports participants who disclose or report abuse or suspected abuse.

To promote that atmosphere, an organization should ask itself the following questions, and find out what concrete action it can take to act on the answers:

- How can we foster an atmosphere where we can openly talk about sexual abuse? How can we deal with any paranoia, fear or embarrassment about talking about such issues?
- How do we help children and adults feel that they can talk to people in the organization about these issues safely?
- How do we change and/or enhance our organization's atmosphere so that our commitment and determination to stop abuse is clear and obvious to all?

A SafeR Atmosphere:

An organization that has completed the risk assessment process in relation to its atmosphere and that has responded by minimizing those risks to the extent possible, should look a lot like the following:

- Individuals, in particular, those in control, believe that child sexual abuse is a serious issue.
- People believe in taking preventative steps. They don't dismiss risk assessment and management as unnecessary bureaucracy.
- Anyone can raise issues without being censured. The organization encourages open discussion.
- The organization's leaders make it clear, by their attitudes, demeanour and communication, that they believe sexual abuse needs to be discussed. They take advantage of ready-made opportunities and create others to raise the issues.
- The organization arranges for all members to learn about preventing and responding to abuse. Children's questions and concerns are treated seriously, so they believe that any disclosure or allegation they make will be acted upon. No child is ever told to stop making things up, or to go away and forget about it, or that he or she is making too much of nothing. The organization actually takes action when necessary, and is seen to do so.
- At the same time, people know that they will receive a fair hearing and due process if a child makes an allegation against them.
- People recognize the importance of respecting others' privacy and their personal information, but also recognize that protecting a child's well-being is more important than protecting others' privacy.
- Sexual abuse is treated properly as an issue that affects the whole community of an organization. The board or executive doesn't withdraw to make decisions about how to deal with abuse. Everyone is encouraged to participate in making things SafeR.

RISK ASSESSMENT OF OPERATIONS

Risk assessment of operations—the programs and activities and people that are at the heart of an organization—is the most important step in preventing sexual abuse of the children involved in those programs and activities. Programs and activities vary enormously from organization to organization. Similarly, the risks associated with the sexual abuse of children vary depending on such parameters as the type of programs offered, age and/or gender of participants, level of supervision, setting, whether travel is involved, etc.

Accordingly, a detailed analysis of all of an organization's programs needs to be undertaken, to assess what risks exist for each one, what can be done to minimize them, and, where necessary, what may need to be revised to eliminate risk altogether where it is found to

be too great. Such an analysis must break down each activity by category. What follows is a suggested framework for the analysis: the complete picture will vary from organization to organization.

In the SafeR organization, operations are assessed regularly. Risks posed by any element are identified and flagged, then minimized or eliminated where possible.

The Sport or Activities:

Analyze the activities themselves. Following are the kinds of questions that should be considered:

- what is the ratio of adults to children
- are parents involved and on-site during the activity
- does it involve the use of change rooms and/or showers
- does it involve travel away from home and away from usual caregivers
- does it involve overnight travel
- what form of transportation is used
- how much supervision of the coach/trainer/activity leader occurs
- do the participants require assistance dressing (i.e. into uniforms), and if so, who provides that assistance
- is special assistance required for those with disabilities, and if so who provides that special assistance
- what is the nature of the physical facilities used—are they open, visible, accessible or confined, etc.
- is billeting with host families used and how is it monitored
- how is conflict handled, and discipline administered to participants when required
- what risks arise from the setting (a ball park, a swimming pool, a hotel, etc.) of the activities.

Look at all aspects of the sport or activities in its program, including the following:

- whether an individual or team sport or activity is involved
- the recreational or competitive nature of the program
- is it a house league or travelling team; does it include travel arrangements, billeting, commercial accommodation, chaperones; and does it specify adult-child ratios
- the level and nature of physical and other contact between players and coaches or trainers, or participants and leaders
- the location and set-up of playing fields, practice sites, arenas, game sites away from home, community or neighbourhood centres, cars, buses, locker rooms, showers, private homes, schools, etc.
- its codes of conduct, including sportsmanship, discipline, behaviour, and contact/communication
- the degree of autonomy and authority vested in coaches, officials, leaders, parents
- the presence of organization officials at events
- the awareness of and education about sexual abuse prevention built in to program, sport, activities.

The answers to these and other similar questions should provide a useful guide to understanding how identified risks can be minimized. For instance, where out-of-town overnight travel is required for a sports team, guidelines can be established that require that all team members be accommodated at least in

pairs, with no adult (other than a parent) staying overnight in the same room as the children. Where the use of change rooms is required, guidelines can require that there be always two adults in the change room at the same time, and that separate facilities are provided for girls and boys. A rule might decree that adult staff members or adult volunteers do not shower at the same time as the athletes. Where an organization's personnel are required to transport children, they should do so only to the extent necessary, with no side trips to additional places, and with other personnel or parents, or at least several children, in the vehicle at all times. These suggested guidelines are examples that an organization can consider once it has identified the risks inherent in its activities and programs. See "Speak Out! ... Act Now!" for an exhaustive list of sample guidelines.

Players and Participants:

Look at:

- Age, sex, and the characteristics and vulnerabilities of boys and girls at different ages, including levels of trust, impulse control, maturity, experience, disabilities, personality traits, family circumstances.
- Interests and intentions in participating, including fun and recreation, competition or professional careers, skill levels.

Staff and Volunteers

Conduct thorough screening of everyone who wishes to do work for the organization, not on the basis of whether they are strangers or well-known, or youth or adults, but on the basis of the risks and needs of the position the individual holds or hopes to hold. Screening must be done before, and especially after, hiring or acceptance.

Screening should be conducted for all positions in the organization, including board or executive members, administration and finance staff, sponsors and convenors; all program staff, such as coaches, trainers, managers, officials; and all support volunteers, including team parents, drivers and chaperones.

SCREENING IN SPORT ORGANIZATIONS

Screening is essential to the prevention of child sexual abuse, but it is one of the most widely misunderstood and underused protection measures.

The basic facts about screening are:

Screening is an ongoing process.

Absolutely everyone who does work for or provides a service on behalf of a sport organization, must be screened.

The screening tools that are used must be specifically related to the various positions in an organization.

A police records check is one screening tool among many.

The Ontario Human Rights Code governs the recruitment process.

The basic facts about screening are these:

1. Screening is an ongoing process. It is important to screen before someone is hired or engaged by an organization. However, screening does not end at that point. In fact, the most important screening can and must only be done after people are accepted by the organization. The reason is obvious: it is not possible to know for certain whether someone is right for a particular position until after he or she is in place. It is possible, in some cases easy, for the wrong people to slip through pre-hiring screening measures.

2. Absolutely everyone who does work for or provides a service on behalf of a sport organization, must be screened. Screening measures for those who are in positions of trust, power, or authority, including those who may spend time alone with, or be in charge of, children, must be particularly intense and thorough.

3. The screening tools that are used must be specifically related to the various positions in an organization. It is not appropriate to screen an occasional fundraising volunteer to the same degree or with the same tools as the coach of a travelling rep team. Screening must be based on the position that the individual now holds or wants to hold (e.g., board member, parent rep, coach, manager, leader, administrator), and not on the basis of whether or not the person is well-known or a stranger.

4. A police records check is one screening tool among many. It is not a foolproof screening measure, and should never be the first, last, or only screening tool used by an organization.

5. The Ontario Human Rights Code governs the recruitment process. It prohibits discrimination against any person on the basis of sex, sexual orientation, race, ancestry, ethnic or national origin, colour, citizenship, creed, age, marital status, family status, handicap, or a record of offences (a conviction for a Criminal Code offence for which a pardon has been received and not revoked, and/or a standing conviction for a provincial offence).

What this means in practice is that an organization cannot legally screen out an applicant for a position based on any of the categories identified above, unless the organization can clearly demonstrate that it has a legitimate reason, objectively verifiable, based on the essential requirements of the specific position. Organizations must therefore be careful that the screening measures they use do not include questions or criteria that would constitute discrimination. Although this section of the Human Rights Code applies explicitly to paid employees, recent comments from the Supreme Court of Canada suggest that organizations should treat volunteers in the same way.

Before Developing Screening Measures

Screening measures, like any other prevention mechanism, must be based on a solid foundation if they are to actually protect people from harm. The actual screening measures chosen by an organization must be relevant to the positions for which they are being used, not chosen because they are easy, inexpensive, or familiar.

Before an organization identifies the specific screening measures it will use, it should have already:

1. Learned about child sexual abuse and its consequences and why sport organizations are among the targets of sex offenders.
2. Committed the organization to take action to prevent and respond to abuse.
3. Invited all stakeholders to participate in the fight against abuse, and listened carefully to their concerns.
4. Understood the moral, ethical, and legal obligations of individuals and organizations to protect children.
5. Formally articulated the values and principles that underlie and shape the organization's commitment to, and action on the prevention of child sexual abuse.

6. Conducted the risk management audit of the atmosphere and operations.
7. Taken steps to avoid, eliminate, or minimize risks as far as possible, by changing the way some things are done, possibly by eliminating some things altogether. For example, an organization can dramatically reduce risk if it does not permit youth or adults who are in charge of children to be alone (that is, one-to-one) with a child.

An organization can develop its policies on screening at the same time as it determines the appropriate screening measures it should use. These screening policies are general guiding statements for the organization, such as:

"Everyone who provides a service on behalf of the organization will be screened; however, the level of screening will depend on the duties and responsibilities of each position."

Screening measures refer to activities such as pre-hiring interviews, reference checking, police records checks, on-the-job monitoring through post-hiring client interviews, etc.

Choosing Appropriate Screening Measures

An organization should not choose screening measures on the basis of what is easy, inexpensive, or familiar, and it should never screen people on the basis of whether or not they are strangers or long-time members. Decisions about appropriate screening measures must be made for each position (e.g., manager, team parent, board member, coach, administrator, activity director, etc.), and based on the actual requirements and risks of each position, not on the identity of the person applying for or holding that position. A risk assessment of each position will provide sport organizations with objective, clear, and justifiable reasons for screening people in or out of certain positions.

Start with a complete list of all the organization's positions. Use the job descriptions for each one as the starting point. If such descriptions don't exist, create them at the same time the assessment is done. Each position needs to be analysed separately, because the risks associated with, for example, coaching 4- to 6-year-olds will be very different from the risks associated with coaching 16- to 18-year-olds. The first assessment will probably take a couple of hours; however, others will be done much more quickly. The time commitment is necessary, and will help to satisfy the organization's requirement to be duly diligent in this area. Once complete, the information should be recorded and kept on file, so that the organization can identify how and why it made the decisions it did.

Risk Assessment of Each Position

A Position Analysis for Screening form that organizations can use in their assessment of each position within the organization follows. The steps in this process include the following:

1. Analyzing the position
2. Conducting a risk assessment of the position
3. Identifying the qualifications for this position, on the basis of the answers to questions addressed in steps 1 and 2
4. Identifying appropriate pre-hiring screening mechanisms for the position being analyzed
5. Identifying the appropriate post-hiring screening mechanisms for the position being analyzed.

Position Analysis

(Using POSITION ANALYSIS FOR SCREENING form ©)

Name of position *(Be specific - e.g., "Coach, house league, soccer, boys 10 to 12" and not just "Coach"):*

NB: The responses are samples of the kinds of information that an organization should seek to provide.

1) ANALYSE THE POSITION

A. Describe the players or participants

i. Describe the players or participants *(e.g., boys, 10 to 12 years of age)*

ii. What are the characteristics of these players or participants? In what ways are they vulnerable? *(e.g., fearless, immature, impressionable, curious, etc.)*

B. Describe the activities related to this position

i. What is the nature of the position? *(e.g., casual, group, one-to-one, level of power, dependence, trust, etc.)*

ii. Actual physical activities—what does a person in this position do? What's involved in fulfilling this position? *(e.g., demonstrating skills, teaching rules, playing the game, driving players to games, supervising, etc.)*

C. Describe the setting(s) in which these "activities" take place *(e.g., arenas, locker rooms, cars)*

D. How is the position supervised?

i. Who sees what goes on between the individual in this position and the players or participants?

ii. How are people in this position actively supervised? How often? By whom? By what means?

2) CONDUCT A RISK ASSESSMENT OF THE POSITION

A. Assess what could go wrong

i. What kinds of things could go wrong here? What harm might be done? What risks are involved because of the characteristics of the players, the activities involved, the settings, and supervision? How serious could it be if something did go wrong or if someone was harmed?

- Bodily Harm (physical injury)
- Personal Injury (abuse - sexual, physical, emotional, etc.)
- Loss of Reputation
- Financial Loss
- Property Damage

B. Determine response to the identified risks
What could be done to change how this "job" gets done or the circumstances around it in order to minimize the risks?

3) ON THE BASIS OF THE ANSWERS TO QUESTIONS (1) AND (2), IDENTIFY THE QUALIFICATIONS FOR THIS POSITION: what do we <u>need</u> to know about each applicant in order to properly screen for **this position?**

<u>Qualifications</u> (Identify as many as are really crucial to the fulfilment of the position):
i. *(e.g., competence to coach hockey at x level)*
ii. *(e.g., good character - trustworthiness, honesty, dependability, etc.)*
iii. *(e.g., ability to understand and work well with boys of this age group)*
iv.
v.

4A. IDENTIFY APPROPRIATE PRE-HIRING SCREENING MECHANISMS FOR THIS POSITION
(Ask which tools will provide the information needed by the organization to know if the individual has the characteristics and qualifications identified in Step 3)

Qualification	**Pre-Hiring Screening Tools** *(Examples)*
Competence	Certification, experience, record of courses, training, references, written tests, demonstration, scenarios, role playing, etc.
Character scenarios, etc.	References, interviews, police records checks, role playing
Ability to work with kids, etc.	References, interviews, demonstrations, role playing, etc.

4B. ON WHAT BASIS (BASES) COULD WE LEGITIMATELY SCREEN AN APPLICANT OUT OF THIS POSITION BEFORE HE/SHE IS HIRED/ENGAGED? *(These must relate to the qualifications established in question 3 as being necessary for the position)*

The basic questions that the organization has to ask itself:
i. Are our position qualifications essential? (Are they necessary to the position?)
ii. Are they reasonable?
iii. Are they bona fide? (Is our organization requiring such-and-such a qualification in good faith, or because we are trying to screen certain people out?)
iv. Could we accommodate someone with a particular need or set of circumstances? *(e.g., could someone with a particular disability be assisted to do a particular job?)*

5) IDENTIFY THE APPROPRIATE POST-HIRING SCREENING MECHANISMS FOR THIS POSITION: Which tools will help us do the ongoing screening that is necessary and appropriate to this position, to ensure that the individual continues to display the qualifications and characteristics identified in question 3?

Criteria	Post-Hiring Screening Tools (examples)
Competence	Probation period, observation in orientation, training, duties of position, monitoring, supervision, evaluation, feedback from self and others, random, unannounced spot checks, commitment to and action on ongoing skills development
Character	Observation, monitoring, supervision, evaluation, feedback from self and others
Ability to work with children, etc.	Observation, monitoring, supervision, evaluation, feedback from self and others, random, unannounced spot checks

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Pre-Hiring Screening Tools

This is not a menu - The first three should be used for every position. The others should be chosen when and as they are relevant to the qualifications identified by the organization through the use of the Position Analysis for Screening form.

i. Designing or analyzing positions carefully to identify, assess, eliminate, or minimize risks
ii. Creating accurate, thorough, position descriptions
iii. Creating initial application forms based on information from 1 and 2
iv. Doing first, second, or third interviews, one perhaps in the home of the candidate, if players or participants are going to be there with applicant. Each one should be conducted by different people, preferably more than one person each time
v. Conducting police records checks
vi. Conducting reference checks (business, volunteer, personal, including family members)
vii. Conducting medical checks (hepatitis B, TB)
viii. Doing specialized testing/interviewing—demonstrations of skills, qualifications
ix. Checking credentials
x. Employing demonstrations, scenarios, role plays
xi. Offering explicit information about the organization's stand on and activities around sexual abuse prevention in handbooks, recruitment tools, application forms, etc.

Post-Hiring Screening Tools

i. Conducting orientation
ii. Training - initial, ongoing
iii. Imposing a probation period
iv. Using a buddy system - matching the new person with another experienced staff member, and having the "buddy" supervise the new person.
v. Undertaking regular supervision, observation, monitoring, evaluation
vi. Periodically reassigning (if possible)
vii. Requiring regular participation in group activities
viii. Undertaking random, unannounced spot checks
ix. Having regular formal contact with players, families-seeking feedback
x. Undertaking ongoing awareness campaigns, education of players and staff regarding sexual harassment and abuse and other safety issues

The Importance of Post-Hiring Screening

Completing the risk assessment for each position will allow an organization to identify appropriate pre-hiring screening measures. More important, the audit information will give the organization what it needs to determine on an ongoing basis, if that person is doing a good job or not, or if there are things amiss. Close supervision, observation, monitoring, and evaluation of his or her work is by far the best way to continue to screen this person, making sure that he or she is fulfilling the work of the position and is not harming the people in his or her care.

Like many illicit activities, sexual abuse is a furtive and secret activity. The best way to protect against abuse is to bring activities into the light, through deliberate efforts to be aware of what people are doing and how they are

doing it. The most effective screening tools of all are supervision, observation, monitoring, evaluation, and feedback from all involved. And you don't have to hire security guards or create huge amounts of paperwork to do these things.

These measures may be as simple as:

- Having a board or committee member visit each game site or activity site each night there are games, wearing a jacket that clearly identifies him or her as a person of authority in the organization. He or she shouldn't just watch the game, but actively talk to the parents, the children, the coaches, leaders, getting feedback and asking if there are any concerns or issues.
- The organization establishes a rule, and enforces it, that two parents of different children must accompany each team on all trips, and that no adult stays in a room overnight with a child.
- The organization actively educates children, parents and coaches about sexual abuse. This could be done any number of ways, including having people go to team practices and talk with children there, or by including it in a skills-building day.
- The organization undertakes a formal evaluation process of the people who provide its services: coaches, leaders, officials, board members, fundraising volunteers, etc. This doesn't have to be a tremendous burden of time. Twice a season, the board could ask people to remain 15 minutes after a particular game, so that a member of the board could talk to them and get at any issues, questions, or concerns.

Using Police Records Checks as a Screening Tool

Police records checks are often incorrectly called criminal checks, CPIC checks, criminal reference checks or police checks. All these names are incorrect, and their use can present problems for organizations. Instead, they should be called what they are: checks of records held by the police.

All police records checks done by local, regional, and provincial police in Ontario at this time include the following:

Check of CPIC Records:

A check of one or more databases housed at the Canadian Police Information Centre (CPIC) in Ottawa, maintained by the RCMP.

Information about the following may be found through a check of CPIC records:

- Criminal records of adults
- Criminal records of young offenders
- Records of "not guilty [of a criminal offence] by reason of mental disorder"
- Charges pending under federal statutes (e.g., *Narcotics Control Act, Income Tax Act*)
- Probation, prohibition, and other judicial orders (prohibitions against firearm ownership, against taking employment or volunteer position near children etc.)

Although all of this information is available to the police, it may not, for a variety of reasons, make it into the report that the police provide.

Local Records Checks:

Police services also maintain local or regional files. However, not all police services in Ontario examine these files when doing a police records check.

Every organization should determine from the police service(s) in its area what a "police records check in our area" includes and doesn't include.

Checks of local and regional files and databases may include information about some, any, or all of the following:

- convictions for summary conviction offences (minor Criminal Code offences)
- charges pending under provincial statutes (this may also be available nationally, on CPIC)
- records of civil judicial proceedings with respect to the abuse of children
- admissions of abuse against vulnerable people, where charges were not laid
- information about offences for which a conditional or absolute discharge was given (this may also be available nationally, on CPIC)
- suspect data (information about an individual identifying that he or she was and remains a suspect in a crime)
- information about the individual as a complainant, victim, or witness to an occurrence. (For example, if an individual calls the police to report an impaired driver, a record of that call will be on file; or if someone was the victim of a crime, a report will exist with that information on it.)

Again, because of the very strict legal constraints on the disclosure of information about individuals, although this information is available to police, it may not be put into a police records checks report. The police must be extremely cautious when deciding to whom and for what purpose information will be released.

Limitations on the Information in Police Records Checks

Even if all the information available to the police were included in police records checks reports, these checks still cannot guarantee that people are "good" people. That's because:

- Criminal record information is only one kind of information the police have on file, and it may not be the most relevant information in every case.
- People have committed crimes without being caught or prosecuted. The absence of a criminal record does not guarantee anything about the character of an individual.
- A police records check is current only to the time it is produced.
- Without fingerprints, there is no guarantee that the individual whose name and date of birth were checked does not have a criminal record in Canada.
- An individual may lie about his or her name, or may have legally changed his or her name, and therefore a record may not be revealed. Following the enactment of the *Community Safety Act* in 1998, an individual's change(s) of name will be flagged on police records; however, this cannot be done retroactively.
- Local police records are not necessarily available to other police services. If someone has moved around, it may be necessary to have that person request a local records check from the police service in the municipality or region from which he or she has moved. This is a crucial issue for sexual abusers, who often move from town to town. Ontario police services, through the Ontario Association of Chiefs of Police, have developed guidelines calling for a check of information on addresses for the last five

years. Local and regional policing services are working to cooperate with one another on this matter.

- People may receive pardons for criminal offences, including very serious offences. That information is not usually available through a police records check. However, under the recently amended *Criminal Records Act,* where a person is seeking a position of trust or authority relating to children or other vulnerable people, information relating to any pardons for sex-related offences will be made available to those responsible for the well-being of the children or vulnerable people. Before the information is disclosed, a request will need to be made by the responsible individual or organization and the consent of the person seeking the position will be required.
- Police records checks of information from other countries is usually not available for this process, unless the person involved can arrange to have it sent to Canada.
- Police have information they may not be able to release, or may decide not to release.
- Information on Young Offenders is a perfect example of this last point. The *Young Offenders Act (YOA)* is very strict in regards to the release of information about the criminal record of a young person, and the police cannot provide young offender records to most organizations. The police can, however, provide the report to the young person for a very specific period after the conviction (i.e., a period set by the *YOA).*
- Information about some convictions simply is not on police records. For example, records of convictions under the *Child and Family Services Act* may not be usually found in police records.

What About Police Records Checks?

How does an organization decide if a record is relevant and should keep someone out? On the basis of the risk assessment of each position. For example, after doing the risk assessment of the position, an organization may decide that for that position it is essential that an individual have no history of violence or record of charges or convictions for sexual assault. If the assessment was done in good faith, is based on objective reality, and can be defended as realistic, then it would be defensible to refuse that position to someone with that kind of history.

Organizations should also be sensitive to another issue. Most of the attention related to screening is being directed at coaches or leaders. Does this mean that all people who offer to take these positions should be automatic suspects? No, it is just that sexual abusers are most interested in those jobs because they provide more opportunities and means to abuse than any other position in a sport organization.

Police records checks are an important screening tool and are absolutely necessary for some positions. For any position in which an adult will be alone with children for any length of time, especially while travelling to games, etc., organizations should do police records checks, because they are readily available and may provide useful information.

Sport organizations should never limit their screening mechanisms to police records checks because of the limited information obtained from such checks. To assist in minimizing the risk of harm to children, as well as assisting in protecting the sport organizations from liability arising from a breach of their legal duty of care,

sport organizations should undertake a full risk assessment and undertake appropriate risk reduction strategies as outlined in this material.

Protocol for Requesting Police Records Checks

All police services require a signed consent form from the individual whose records are being checked. However, policies and practices among the over 100 police services in Ontario may vary, not only with respect to the type and amount of information they would check and release, but also with respect to whether the police would:

- Release the results of the check to the organization (for whom the records are being checked), or the individual (the subject of the check). The Law Enforcement and Records Managers' Network (LEARN) of the Ontario Association of Chiefs of Police recommends that police services throughout Ontario deal directly with the individual, starting with the filing of the request for a check;
- Charge fees, and how much; and
- Require the organization to enter into an agreement with the police, to ensure that the organization understands its duties relative to the request for, receipt, use, and disclosure of information in police records checks.

LEARN recommends that police services throughout Ontario enter into such an agreement with organizations. In this agreement, an organization would undertake to:

- Have or obtain an understanding of the implications of the Human Rights Code as it applies to hiring/approving volunteers. It shall have a clear view of what information might constitute a "bona fide" reason for refusing to hire an applicant or volunteer;
- Provide, on its position application form a statement that the individual agrees to space participate in, and consent to, a police records check, and further, the form must clearly define the classes of information that will be provided within this process. The form must be signed and presented to the police;
- Ensure the applicant understands the classes of information referred to in the above paragraph;
- Understand the police are providing the information as a service to the organization, and is in no way commenting on the suitability of the person for the position being caught;
- Advise the applicant or volunteer that the information provided by police may not necessarily mean a disqualification from the position;
- Understand the police are providing information based upon personal descriptors provided and cannot guarantee that the police records check would provide all details concerning the individual;
- Agree to have a police records check conducted only on the selected candidate or volunteer, not all applicants; and
- Guarantee that the information will only be used for the purpose provided and will not be disseminated to any other person or agency.

LEARN also recommends that police impose additional requirements relating to the use and control of information provided by the police, as follows:

- That the organization will not alter the information supplied in any manner; and

- That the organization shall destroy (shred or mulch) the information after use or that it will maintain the information in such a manner as to prevent unauthorized access.

Risk Assessment of Structure

The structure of the organization refers to its observable outlines and its underlying form, and how each part of the organization relates to the other. Risk assessment of the structure of a sport organization follows the steps used for assessing its atmosphere and operations.

Step 1: Assess the Risks

Identify and assess the way the organization's structure may put children at risk for being sexually harassed or abused. Ask the following questions:

- Does the organization have a single, consistent vision of, and commitment to, child safety and the prevention of abuse? Is that vision explicit in the mission statement, statement of principles, codes of ethics or behaviour? Is it relayed clearly and consistently by members of the board or executive, by the administrator, by staff?
- How does the organization pay formal attention to risk management? Is there a board member or other person designated as the risk manager? Or is there a risk management committee or task force? Although the whole organization must be involved in risk management, at some point specific individuals must ensure that risk management measures are devised, implemented and enforced, and that risk management issues are referred to the board or executive for decision, amendment, review, evaluation, etc.
- Is there a formal code of conduct? How is it publicized, implemented and enforced?
- Has the organization established policies, procedures, practices, and guidelines for preventing and responding to child sexual abuse, and based them on its mission, values and principles, and moral, ethical and legal obligations?
- Were policies established on the basis outlined above, after a thorough assessment of the risks in the atmosphere, operations and structure, or were they simply borrowed from others?
- Does the organization know how to ensure that its principles, policies, guidelines and processes are consistent with current legislation and case law? Does it check periodically to ensure this consistency?
- How are policies enforced? Do policies give sufficient direction to those who must enforce them, and yet permit them enough room to make decisions without having to come back to the board for every minor issue or question?
- Are there guidelines about adult-child ratios and chaperones in change rooms, on trips, in hotels, along with other risk issues identified in the risk assessments of atmosphere, operations, structure, and communication?
- When quarterly, semi-annual, or annual reviews of the organization are done, is risk assessment one of the formal components?
- Are guidelines for activities communicated to members? Do leaders or delegates have the authority to require that policies are to be respected and guidelines followed?
- Have formal procedures for responding to disclosures, allegations, suspicions and complaints of sexual abuse been established, in cooperation with local child protection authorities?

- Has the organization prepared and implemented training, awareness-building, prevention and response education for its players, parents, leaders and board? How high a priority is this? Have specific people been assigned to make it happen? Have resources been assigned to the effort?
- If the organization is unincorporated, is there a perception that no one is in charge and thus, a higher risk of child sexual abuse? How does the organization formally act to minimize the risk of sexual abuse?
- Is the risk increased because the individuals running an organization are not aware of their obligations, especially legal ones, and of their potential personal liability?
- Is abuse prevention an explicit part of the organization's programs? Is it named in the goals for the year? Or is it an afterthought?

Step 2: Act to Control the Risks

- If the mission and value statements of the organization do not state the organization's commitment to preventing abuse, articulate them, in consultation with the members of the organization, and add them to formal documents.
- Establish a position for risk management on the board and make risk assessment an explicit and ongoing part of formal evaluations.
- Establish sexual abuse prevention and response policies that are consistent with the law and that reflect the realities of the organization.
- Establish guidelines for activities consistent with the risk assessment results. Be as specific as possible about child-adult ratios, rules about out-of-town trips and sleeping arrangements, etc.
- Establish response mechanisms for allegations, disclosures, suspicions and complaints of child sexual abuse.
- Ensure that those in charge of the organization understand the laws related to sexual assault and abuse, where the reporting threshold lies, and the procedure to be followed if an incident, allegation, or disclosure crosses that threshold.
- Clarify and identify the training and education needs of all involved (e.g., coaches, administrators, parents, officials, members, etc.) and make it a priority to offer them opportunities to develop their awareness and skills. Set aside or raise the resources necessary to make these things happen.
- Ensure that it is someone's (not "everyone's") or several specific individuals' responsibility to prepare for and conduct abuse prevention awareness and education. Ensure that the budget exists to support it.
- Develop implementation and enforcement processes for guidelines and policies. Commit the organization to these policies and guidelines. Establish mechanisms and confer adequate authority on the appropriate people so that they can take action.

Formal Sexual Abuse Prevention and Response Measures

The development, implementation and enforcement of a sexual abuse prevention and response program, including sound principles, policies, procedures and practices, is good risk management. Such a program serves a number of purposes:

- it raises awareness of abuse issues within an organization, sending a strong message to everyone involved in the organization (including the children the measures are designed to protect) that abuse will not be tolerated;
- it promotes a healthy and safe environment;
- it provides a mechanism to deal with abuse issues quickly, effectively and responsibly; and
- if implemented responsibly, it provides a defence to a lawsuit.

Each organization must develop its own formal protection program, and should not rely solely on policy samples that might be available. While a model can provide good information and a structure upon which to formulate a sound risk management program, every organization will need to develop its own measures to reflect its own values, and the particular administrative and other practical realities of the organization.

The risk assessment and work that organizations do should help them articulate the values and principles that form the foundation of the organization's commitment to sexual abuse prevention. On that foundation, the organization should then build a formal set of sexual abuse prevention and response policies. Organizations must recognize that such policies and procedures, if not based on the solid foundation of risk assessment and the articulation of values and principles, will not serve the organization or its members. Likewise, "creating a policy" is not the goal of the work of preventing sexual abuse. Policies are important and useful, but policies alone cannot protect people or organizations.

Any policy on preventing and responding to sexual abuse should be concise and should clearly establish:

- The goal and focus of the policy, including a statement of the purpose, scope and application of the policy. It should state clearly the principles, values and commitment of the organization to do what is reasonable and prudent—according to the circumstances—to prevent sexual abuse in the organization. It should identify who is and what situations are covered by the policy;
- relevant definitions, including that of sexual abuse, making clear what standard of behaviour is expected, and what behaviour is not acceptable; and
- recognition of the organization's moral, ethical, and legal obligations to act on disclosures, allegations, suspicions, or complaints of sexual abuse by children involved with the organization, and a statement of its commitment to do so. This should include a description of the organization's legal obligation, and the legal obligation of anyone involved with the organization who has a reasonable suspicion that abuse has occurred, to report all suspected child abuse to the authorities, pursuant to the requirements of the *Child and Family Services Act*. There should also be a statement that, upon conclusion of any investigation by the police and/or child protection authorities, the organization will, where appropriate, take disciplinary action against an abuser, within the appropriate disciplinary process.

The policy should identify that the organization will establish:

- a clearly defined complaint mechanism, indicating to whom complaints of abuse or suspected abuse should be made within the organization, and how complaints will be

dealt with, including the protection of confidentiality, to the extent possible; and

- a clearly defined system of progressive discipline and dismissal, as well as grievance processes, for all volunteers, paid staff, and all other people who provide a service to the organization.

It is not appropriate for an organization to carry out an internal investigation of an allegation of child sexual abuse in lieu of the investigation procedures carried out by child protection authorities and/or the police. All incidents of alleged or suspected abuse (and other situations when a child is or may be in need of protection) must be reported, and nothing should be done by an organization that might interfere with the official investigation of the police and/or child protection authorities. Any internal investigation should await the outcome of the external one. It may, of course, be necessary to remove an alleged offender from contact with children immediately. This can be done by suspending an employee with pay or suspending a volunteer pending the outcome of the external investigation. Clearly, any time such an incident is alleged, it is important that the organization obtain legal advice to assist in dealing with all of the issues that arise.

If allegations of child sexual abuse are substantiated, it is, of course, important for an organization to take disciplinary action and review all of its prevention measures to attempt to determine how such an incident occurred. Finally, all of the formal prevention measures must be reviewed regularly, and revised where necessary, whether any incidents of abuse have come to light or not. All members of the organization must be made aware of the protection program, including the sexual abuse policy. The policy should be posted prominently at the organization's premises; be directly, explicitly, and repeatedly communicated to paid and unpaid staff; be made available to all members; and any revisions should be publicized as quickly as possible.

What is most important is not what the organization has written on paper. It is whether those policies were formed on a solid, legally defensible foundation, and whether actual measures were in place, implemented, and enforced.

Organizations need to understand that changes in policy do not necessarily change attitude or behaviour.

Policies Should not be Confused with Procedures

Policies are guiding, general statements; procedures outline what exactly will be done, and how. It is important not to confuse the two, so staff should be directed through the policies to determine appropriate procedures and practices. It becomes extremely unwieldy for staff to have to go back to the board every time a procedure needs to be changed. The danger is that people will simply ignore the policy and procedures if they become unworkable in practice.

Policies Should not Promise Zero Tolerance

Organizations may be tempted to include a "zero tolerance" clause in their policies and other documents. The strong language of an absolute promise of safety is very compelling. However, organizations should not promise what they cannot deliver. They should not use language that implies, promises, or guarantees that a child will never be harmed or sexually abused while in their programs or activities. The law requires that organizations act to an appropriate standard of care in meeting their duty of care, and that that this standard is not an

absolute guarantee. However, if organizations themselves set the standard, they will be held to it by a court.

Risk Assessment of Communication

What an organization says about itself, and how—internally and externally, intentionally and unintentionally—in written, verbal, non-verbal, and any other form—will either reinforce or undermine its commitment and efforts to prevent child sexual abuse. An organization's communications, both internal and external, form the outside layer of the organization. Assessing its communication and acting to ensure that internal and external communication support and further the goal of awareness, protection, and safety, is the fourth major risk assessment activity an organization must undertake.

Step 1: Assess the Risks

The organization should ask itself the following questions:

- What kind of information is provided to players, parents, leaders, officials and sponsors, about child sexual abuse?
- Are built-in communication opportunities such as team practices, games or tournaments used to raise the issue of child sexual abuse (not all the time, but periodically)?
- Do the internal communication mechanisms—newsletters, letters home, schedules, team lists, etc.—offer information and highlight the names and telephone numbers of organization representatives who can be contacted by parents or players who have concerns?
- Is there a balanced approach to the issue in internal and external communication? Does our communication make people overly frightened about child abuse, or does it make them think it doesn't exist or it couldn't happen here?
- How does the organization recruit help? Is the message: "we are 'desperate' for volunteers"? If it is, what does that tell people? That any warm body will do, with no questions asked?
- What kind of information about the organization's commitment to preventing child sexual abuse is included in promotional or registration material? What is included in orientation handbooks, players' guides, coaches' or leaders' guides and officials' guides?
- If internal communication never mentions child sexual abuse, is it more likely that an abuser will believe that the organization either doesn't believe it is an issue or doesn't want to deal with it?
- Do people talk about child sexual abuse in the organization? Do leaders encourage discussion or create an uneasy silence about it?
- Is there any information in our communication that will tell a child how or where to go if he or she wants to talk to someone in the organization about a situation?
- What kind of verbal and non-verbal clues do leaders give? Do people get the non-verbal message that this is too frightening a subject to talk about, so don't do so?

Step 2: Act to Control the Risks

The organization's goal here should be to create or reshape its internal and external communication, so that it reinforces and supports its commitment to prevention and response.

The organization should look at:

- What could be added to the existing regular internal communication that will point out the organization's awareness of, and commitment to, preventing child sexual abuse?
- What communication strategy (fridge magnets, postcards, meetings and handouts, etc.) would give players, parents and leaders information on who to contact and how to discuss concerns about abuse?
- How can existing mechanisms (such as team practices, games, tournaments, etc.) be used as media to tell people about sexual abuse to build awareness, to educate and to train them about it?
- What additional forms of communication or events should be developed to communicate information or to otherwise support the prevention effort?
- What about external communications? How can organizations make their commitment to protection clear and unequivocal, in an effort to dissuade offenders or potential offenders from even approaching? (Recognizing, of course, that if the communication isn't backed up by action, it will have no effect.)
- How can the organization get its message out to the public and to potential players? Are there community newspapers, cable TV shows, regular town or community centre meetings, or other media or forums we can use to get the message out?
- How does the organization learn more about communicating, in all ways, its attitude towards and commitment to preventing abuse?

An organization that communicates clearly and consistently—to its members, paid and unpaid staff, employees, volunteers, participants, and the public—that it is committed to providing as safe an environment as possible, and which supports that commitment with the other prevention mechanisms discussed above, will be a SafeR organization.

Communication can take place through education programs about sexual abuse, formally and informally through information that is provided to participants, parents, leaders, etc. about child abuse, and in more formal newsletters, etc. Information should be communicated about the issue, about the organization's efforts to deal with the issue, including the names and telephone numbers of contacts concerning the issue, as well as highlighting the mechanisms that are in place to protect children and the organization.

Information also needs to be communicated directly to the children involved, to let them know to whom they can talk, and to help encourage them to feel comfortable speaking to someone within the organization about the issue.

Failure to provide this kind of communication sends entirely the wrong message: silence may signal to potential abusers an organization's lack of commitment to the prevention of abuse. Communicating an organization's commitment and information about its protective measures—clearly, consistently, often, and through as many different media as possible—will help discourage people who may think that the organization provides an easy target.

6 Responding to Complaints of Sexual Abuse

Every organization that serves children must respond whenever an allegation, disclosure or suspicion of child abuse is made or raised. The *Child and Family Services Act* requires that every person who suspects on reasonable grounds that a child is in need of protection must report that suspicion to a children's aid society. (Refer to Chapter IV, the section on the *Child and Family Services Act* , for detailed information on this obligation.) These reporting requirements are legally mandated, and are not discretionary.

If the organization is in doubt with respect to the appropriate response in a particular circumstance, it should contact the children's aid society and/or the police and seek guidance.

Infractions

Some incidents do not reach the reporting threshold; that is, there may be breaches of policy, infractions of rules, the disregarding of guidelines, etc., where no act of actual sexual impropriety is alleged or suspected. While there may be no need in these cases to report sexual abuse, the protective measures created by the organization to prevent the occurrence of sexual abuse must still be respected and enforced. If this isn't done, those measures will be ineffective, and will likely be disregarded. Moreover, exposure to legal liability is likely to increase where an organization ignores its own internal rules and policies. An organization should therefore determine, in advance, what its response would be for such breaches. This should include consideration of when and what level of discipline will be imposed—for what infractions, after the first infraction, or after a series of them, etc.

If discipline is imposed, the reasons for its imposition should be made clear to the person being disciplined; imposition of the discipline should be done in a fair and open manner while respecting confidentiality; the person being disciplined should have an opportunity to respond to the allegations in a manner that is perceived to be fair; and the entire disciplinary process should be well documented.

A range of penalties may be applicable depending on the circumstances, from a verbal reminder or admonition, to written warnings, suspension, up to, and including, dismissal. When determining the appropriate sanction in any given circumstance, the following principles should guide an organization's actions:

- *the severity of the penalty must be appropriate to the seriousness of the infraction;*
- *penalties for repeat offences should be greater than for the previous offence; and*
- *penalties should be applied consistently in all cases of similar offences.*

Complaints Requiring External Reporting

Information about possible sexual abuse may come to the attention of individuals in an organization in a number of ways. These include: a direct report from the person experiencing the abuse; an indirect report from another person who suspects that abuse is occurring; or some other means such as rumours, observations, or behavioural signals.

Experts suggest that there are physical and behavioural signs that a child is being or has been sexually abused, even if children, in general, often do not disclose the fact. The following list is not exhaustive, and includes signs that, if they exist, are more likely to be observed in a sport organization than in many other settings. In addition, some of the signs may indicate that a child is in need of protection, but not necessarily because of sexual abuse.

Behavioural Signs in a Young Child:

- sexual knowledge or language that is inappropriate for the child's age or development
- an unusual interest in, or preoccupation with, sexual matters
- hints about sexual activity through actions or comments that are inappropriate to the child's age or developmental level
- inappropriate sexual play or behaviour with him or herself or dolls, toys or other children
- art that shows abuse
- excessive masturbation
- persistent urinating or defecating in clothes
- regressive behaviour, for example, baby talk, thumb sucking
- fear or avoidance of any aspect of sexuality
- sexually suggestive behaviour with adults or older children
- consistent psychosomatic complaints or frequent depression
- poor social boundaries
- starting fires or a fascination with fire.

Behavioural Signs in an Older Child:

- sexual knowledge or language that is inappropriate for the child's age or development
- hints about abusive sexual activity through actions or comments
- sexually suggestive behaviour with adults or older children
- consistent psychosomatic complaints or frequent depression
- difficulty concentrating, and being withdrawn and/or overly obedient
- being seemingly accident-prone
- poor social boundaries
- starting fires or a fascination with fire
- running away
- promiscuity or prostitution
- refusing to undress for gym and/or often wearing layers of clothing
- creating stories, poems, or artwork about abuse
- suicidal feelings or attempts at suicide
- destroying property, hurting or mutilating animals

Physical Signs of Sexual Abuse:

- bruising, bleeding, swelling, tears or cuts on genitals or anus
- an unusual vaginal odour or discharge
- torn, stained, or bloody clothing, especially underwear
- pain or itching in genital area, difficulty going to the bathroom, walking or sitting
- sexually transmitted disease, especially in a pre-adolescent child
- pregnancy

If, on the basis of one or more of these signs, it appears that the reporting threshold has been reached, there are four key things for organizations to remember. They are:

1. The person, including a professional, who suspects on reasonable grounds that a child is or may be in need of protection must:
   - make a report directly to the children's aid society;
   - not rely on any other person to report on his or her behalf; and
   - make the report promptly.

He or she should also advise the sport organization.

2. The organization should seek legal advice about issues such as those relating to labour relations.

3. Organizations should not do anything that might jeopardize any children's aid society or police investigation. This means in particular that the organization should defer an internal investigation of the matter pending completion of any external investigation. It may also mean that any disciplinary measures that an organization wishes to take may need to be deferred until that time.

4. The organization should consider the best way to protect the child. This may mean separating the individual alleged to have carried out the abuse from the organization, at least temporarily, pending the outcome of the external process.

   An organization that has considered in advance the possibility that such a situation might arise, and laid out the steps that it will follow in such circumstances, will be in a much better position to deal with the inevitable distress, probable confusion, and possible publicity that will exist at the time sexual abuse is disclosed or suspected. A well-prepared organization will be able to navigate this very difficult time more clearly, carefully, and effectively.

A Suggested Process

An organization may wish to consider a version of the following process to follow in the event of such circumstances. This section suggests action steps for organizations. Note, however, that with respect to the duty to report, the person who has reasonable grounds to suspect that a child is or may be in need of protection must, personally, make a report to the children's aid society. This person should also advise the sport organization.

1. If a child discloses an allegation of abuse, first and foremost comfort him or her, and ensure that the child is not frightened by the manner of response that he or she receives. However, do not promise the child that the matter will be kept secret. Listen carefully and make written notes as soon as possible after the disclosure. **Do not ask leading questions or attempt to investigate the incident**. Get the basic story, reassure the child of your support and understanding, and then take action. Do not conduct detailed interviews with the child. In particular, make every effort to avoid leading questions that might direct a child's answers. Let the child tell what happened by asking non-leading, non-directive questions such as, "Do you want to tell me about it?" Directive questions have had the unintended effect of tainting evidence in court, have led, and could lead to a case against an alleged abuser being lost.

2. Keep information confidential. Only those who absolutely need to know about the allegations or the disclosure should be told at this point.

3. Immediately report the matter to the children's aid society and where appropriate, to the local police. Ask the children's aid society and the police how to proceed with notification of the child's parents. Generally, if the initial disclosure from the child is made to the organization, the organization should alert that child's parents, guardian or caregivers, unless the allegations concern the involvement of parents or a parent in the abuse. In that case, do not alert those individuals.

If the person who has made the allegation is an adult, encourage him or her (personally) to call the children's aid society and where appropriate, the police. If, after hearing the allegation from an adult, you have reasonable grounds to suspect that a child is or may be in need of protection, you must personally report the allegation promptly to a children's aid society, and where appropriate, the police.

4. Do not notify the individual against whom an allegation has been made, regardless of who that person is. Leave this to the police.

   Once the organization confirms that the individual has been contacted by the children's aid society and where appropriate, the police, and where the allegations involve an employee, member of, or volunteer with the organization, the organization should consider suspending that individual, pending the outcome of the investigation. Having a policy about such suspensions in place in advance is imperative. It is unfair to make up such policies on the spot, in reaction to a difficult situation, and retroactive policies never communicated to members or staff would not likely be recognized as legitimate by a court. Imposing such suspensions may be perceived as unfair; nevertheless, the organization's first responsibility is to the children involved in its programs, and it cannot afford to expose those children to the person against whom the allegation is made while such an allegation is outstanding.

5. Make decisions as soon as possible concerning any communications that will be made regarding the allegations. If not already notified, make those in charge of the organization aware of the allegations right away. Also inform others within the organization of the circumstances in order to implement any suspension given and to ensure the continuation of the affected programs. An organization will have to decide how to deal with rumour and innuendo that often circulates in such situations. Parents may demand to know particulars; other children may be curious about what happened to their coach; etc. Furthermore, an important principle in our legal system is that a person is innocent until proven guilty. An organization will need to balance these competing interests very carefully in determining what information, if any, is provided to those outside the circle of those who need to know for purposes of dealing with the incident and providing care for the child. Legal assistance may be invaluable in these circumstances.

   In some circumstances the media may be involved. Decide in advance who will speak to the media and designate a single spokesperson. Determine in advance what will be said, and under what circumstances. Consult with the organization's lawyer, the police and the children's aid society if possible, in order to be sure about the legality of making certain information public.

   Privacy, especially that of the child and his or her family, is the overriding issue to consider when determining what to say to the media. Also consider that the official investigation into the incident might be compromised by the unintentional release of information that should be kept confidential. In addition, the allegations may prove unfounded, and imprudent disclosure of the name of the alleged offender could have very serious repercussions, including legal repercussions, on the organization and the individuals involved.

6. Assist the official investigation.

7. Take appropriate follow-up action after the completion of the official investigation. If the allegations are ultimately substantiated, the organization may need to take steps to ensure that the abuser is no longer associated with the organization.

   Organizational policies, such as the sample policy statement shown below, should be reviewed by an organization's own legal counsel prior to implementing:

   "The organization may suspend any person charged with a provincial or federal offence, pending the disposition of the charge, if the offence is related to the position the individual holds. If convicted of a charge, individuals may be dismissed by the organization if there are reasonable grounds to believe that this individual poses a significant risk to children, or others, in the organization."

8. Help the organization and its members heal. Suspicions, allegations and disclosures of child abuse usually spread quickly, and they can be very damaging to the organization's community. Similarly, those individuals accused of child sexual abuse who are later exonerated can also face serious situations. If the individual remains in the organization, the organization should deal with this issue, and try to minimize the damage to that person's reputation.

   Even more devastating is the situation where the allegations are substantiated. The repercussions in such circumstances will be tremendous—everyone involved with the organization is likely to be profoundly affected. Feelings of betrayal, anger, grief, fear, and guilt often accompany the exposure of sexual abuse within a community. Provide support to assist people to deal with these feelings, including those in charge, who will have been subjected to tremendous stress themselves. The organization will therefore likely need to call on expert resources in the community to help members come to terms with what happened. Knowing in advance who they are and how to access those services is critical.

9. Review the organization's risk assessment and risk management activities and revise them where necessary. Even when an organization has done everything it reasonably could have done to protect children from sexual abuse, bad things can still happen. Nevertheless, review and analyse the organization's risk assessment and risk management activities to see if there is anything it could have or should have been done differently, or should be done differently in the future. Revise what seems to be necessary.

10. Redouble the organization's awareness-building and education efforts around sexual abuse. Take this opportunity to help the community learn about sexual abuse and how to prevent it.

7 Summary

Unfortunately, the sexual abuse of children can and does happen anywhere, in any organization or institution—including the home— where there are children. It can happen even when an organization has diligently taken every reasonable effort to minimize the risks of it. No organization can ignore its obligation to the children in its care to take all reasonable measures to protect them from an unreasonable risk of harm.

This Handbook has been prepared with the intent to assist sport organizations of all types, sizes, and levels of resources to make that worthwhile effort, to the best of their abilities. Some organizations, upon reading this Handbook, may realize that much of the groundwork described remains to be done. That can seem a daunting task. It is, however, a necessary one—and one with ancillary benefits that can greatly assist an organization to better understand itself and its people and processes. The consequences of failing to adequately address the issue are too serious—both to the child or children victimized, and to the organization—to ignore. A child can be negatively affected for life. An organization can be shaken to its core, and required to face potentially huge liability claims.

The consequences of failing to adequately address the issue are too serious—both to the child or children victimized, and to the organization—to ignore.

It is hoped, and expected, that most organizations will never have to live through the devastating circumstances of the revelation of sexual abuse within their midst. By following the guidelines outlined in this Handbook, a sport organization should be much less likely to have to do so. And if, despite its best efforts, an organization does find itself in such a situation, it will have the knowledge and wherewithal to deal with it in an informed, sensitive, and responsible fashion.

It is hoped that the moral imperative is sufficiently persuasive to spur to action organizations that still have work to do in this area. The legal imperative, both civil and criminal, provides the necessary incentive to those who might otherwise be hesitant to respond to the risks involved. The law takes the sexual abuse of children seriously, will punish perpetrators—those who knew or ought to have known that it was occurring, and those who should have done something about it—and will compensate those victims of such abuse where appropriate. It is very important in such circumstances that an organization be able to point to its well-documented, enforced, and duly implemented risk assessment and management activities, and to its well-publicized principles, policies, and procedures, to show that it has taken responsibility for the safety of the children in its care, and that it has done everything reasonably possible to avoid harm to them from sexual abuse by someone involved with the organization.

The essence of prevention is the identification, evaluation, and management of risk. The risk that the sexual abuse of children might occur is real. The risk that it might occur within a particular organization depends to a large extent on factors specific to each organization, and on the measures in place to avoid or reduce it. This Handbook can be used as a resource to guide an organization through the various phases of identifying risks, assessing their magnitude, and responding with the proper selection and implementation of strategies to

control such risks. The importance of such an exercise cannot be overemphasized.

An organization should not be intimidated by what is required to ensure the safety of the children in its care. The steps outlined in this Handbook can be carried out internally, without significant cost, if those in charge of the organization and those who participate in it are committed to the project and are prepared to devote some thought, energy, and time to it. There are also a number of resources available to assist organizations in this area. Local volunteer centres, police services, children's aid societies, sexual abuse programs, and even boards of education, may be valuable resources.

The bottom line is the safety of the children in your care. They are worth the time and trouble necessary to protect them.

Appendix A

Duty to Report Under *The Child and Family Services Act*

1. SINGLE DUTY TO REPORT FOR PROFESSIONALS AND THE PUBLIC

The new amendments replace the previous duty to report with a single duty to report for both the public and professionals. The threshold is now "reasonable grounds to suspect," which is lower than the previous threshold for the general duty to report ("believe on reasonable grounds") and the same as the previous threshold for the duty to report for professionals.

PREVIOUS LEGISLATION	NEW AMENDMENTS*
72(1) In this section and in sections 73, 74 and 75, "to suffer abuse," when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f) or (h).	**72(1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:** The list of what must be reported is set out in detail in the chart on the definition of a child in need of protection below.
72(2) A person who believes on reasonable grounds that a child is or may be in need of protection shall forthwith report the belief and the information upon which it is based to a society.	
72(3) Despite the provisions of any other Act, a person referred to in subsection (4) who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society.	

*** The changes are marked in bold**

2. AMENDMENTS TO THE DEFINITION OF A CHILD IN NEED OF PROTECTION

A revised section 72 details reporting requirements. These reflect the amendments to subsection 37(2), which sets out situations in which a child is said to be "in need of protection." These new situations differ from those under the former provisions in the following ways:

- The threshold for the risk of harm to a child is lowered from "substantial risk" to "risk that the child is likely to suffer" in order to allow earlier intervention to protect children (see paragraphs 2, 4, 8, and 9 below);
- The words "pattern of neglect" are included in the physical harm, risk of physical harm, emotional harm, and risk of emotional harm sections for the first time (see paragraphs 1, 2, 6, and 8 below);
- The threshold for emotional harm is lowered from "severe" to "serious" and the symptom of "delayed development" added (see paragraphs 6 and 7 below); and
- Emotional harm is linked to the conduct of the person having charge of the child for the first time (see paragraphs 6 and 8 below).

Should you have any questions on the duty to report, please contact your local children's aid society.

PREVIOUS LEGISLATION	NEW AMENDMENTS*
37(2) A child is in need of protection where,	**72(1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:**
(a) the child has suffered physical harm, inflicted by the person having charge of the child or caused by that person's failure to care and provide for or supervise and protect the child adequately;	**1. the child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,** **i) failure to adequately care for, provide for, supervise or protect the child; or** **ii) pattern of neglect in caring for, providing for, supervising or protecting the child;**

*** The changes are marked in bold**

37(2)(b)	there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);	**2.**	**there is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's** **i) failure to adequately care for, provide for, supervise or protect the child; or** **ii) pattern of neglect in caring for, providing for, supervising or protecting the child;**
37(2)(c)	the child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child;	3.	unchanged
37(2)(d)	there is a substantial risk that the child will be sexually molested or sexually exploited as described in clause (c);	**4.**	**there is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3;**
37(2)(e)	the child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment;	5.	unchanged
37(2)(f)	the child has suffered emotional harm, demonstrated by severe, i) anxiety, ii) depression, iii) withdrawal, or iv) self-destructive or aggressive behaviour, and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;	**6.**	**the child has suffered emotional harm, demonstrated by serious,** **i) anxiety,** **ii) depression,** **iii) withdrawal,** **iv) self-destructive or aggressive behaviour, or** **v) delayed development,** **and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;**

*** The changes are marked in bold**

		7.	**the child has suffered emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;**
37(2)(g)	there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;	8.	**there is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;**
		9.	**there is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.**
37(2)(h)	the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition;	10.	unchanged

*** The changes are marked in bold**

37(2)(i)	the child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;	11. unchanged
37(2)(j)	the child is less than twelve years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment;	12. unchanged
37(2)(k)	the child is less than twelve years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately; or	13. unchanged
37(2)(l)	the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part.	NO LONGER DUTY TO REPORT

*** The changes are marked in bold**

3 NEW PROVISION RE ONGOING DUTY TO REPORT

The new legislation also provides that the duty to report is an ongoing obligation. This means that a person who has additional reasonable grounds to suspect that a child is or may be in need of protection is required to make a further report to a children's aid society even if the person has made previous reports about the same child.

PREVIOUS LEGISLATION	NEW AMENDMENTS*
	72(2) **A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child.**

4. NEW PROVISION ON THE DUTY TO REPORT DIRECTLY

The new legislation makes it clear that a person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the children's aid society. The person must not rely on any other person to report on his or her behalf.

PREVIOUS LEGISLATION	NEW AMENDMENTS*
	72(3) **A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf.**

*** The changes are marked in bold**

5. WHO IS A PROFESSIONAL?

There is no change in the definition of a professional in the new amendments. A professional includes:

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- teachers and school principals;
- social workers and family counsellors;
- priests, rabbis and other members of the clergy;
- operators or employees of day nurseries;
- youth and recreation workers, but not volunteers;
- peace officers and coroners;
- solicitors; and
- service providers and employees of service providers.

6. EXPANDED PENALTY FOR PROFESSIONALS FOR FAILURE TO REPORT

Under the previous provisions of the *Child and Family Services Act,* the failure of a professional, in the course of his or her professional or official duties, to report reasonable grounds to suspect abuse (5 of the grounds for protection set out in subsection 37(2)) was an offence. The maximum penalty was a fine of up to $1,000.

The new amendments provide that professionals are subject to a fine (of up to $1,000) if they fail to report reasonable grounds to suspect that a child is or may be in need of protection (all of the grounds for protection, not just the six which constitute abuse). The maximum penalty will not change.

As is the case under the previous provisions of the *Child and Family Services Act,* failure to report by the public is not an offence.

	NEW AMENDMENTS*
85(1) A person who contravenes, (b) subsection 72 (3) (reporting child abuse); and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or, except in the case of a contravention of subsection 72(3), to imprisonment for a term of not more than one year, or to both.	**72(4) A person referred to in subsection (5) is guilty of an offence if,** **(a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and** **(b) the information on which it was based was obtained in the course of his or her professional or official duties.** 72(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence. 72(6.2) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than $1,000.

*** The changes are marked in bold**

7. LEGAL PROTECTION FOR PEOPLE WHO MAKE A REPORT TO A CHILDREN'S AID SOCIETY

The new amendments do not make any changes to the legal protection for people who make a report to a children's aid society. For more detailed information on legal protection, please see the section on the duty to report in Part IV of the Guide.

Endnotes

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vi Sobsey, Dick. (1995). Violence against Children with Disabilities: An Overview. *Connection, 4, Summer 1995.* Toronto: Institute for the Prevention of Child Abuse, pp.1-5

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x Herringer, B. M. and Rivkin, S. *Child Sexual harassment and abuse Victim Support Worker Handbook.* (Vancouver: Justice Institute of B.C., 1989). p. 12

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1 MODULE Summary

FACING AND ADDRESSING CHILD SEXUAL ABUSE

Subject	An Introduction to Child Sexual Abuse
Target Audience	Board, Executive, Administrators, Coaches, Managers, Leaders, Parents, Older Players or Participants, Sponsors
Aim	To provide basic information about sexual abuse To encourage organizations to begin taking action to prevent and adequately respond to the issue
Desired Outcome of Training	Participants will have a rudimentary knowledge about sexual abuse. Participants will have been introduced to the organizational breakdown of Atmosphere, Operations, Structure, and Communication. Participants will have had a chance to assess their organization's current situation and to begin discussion as to what it needs to do to prevent sexual abuse and to respond to it adequately.
Time	One and one-half hours to two hours
Opportunity/Setting	At a regular board meeting. At a specially called meeting.
Group Size	Six to 25
Method	• Facilitator's Welcome, Introductions • Quiz: Myths and Facts about sexual abuse • Lecture on basic facts about sexual abuse • Basic statement about legal obligations of organization • Introduction to the Journey and Road Map • Presentation of AOSC framework • Group Work: Assessing state of organization in terms of framework – sharing ideas about what needs to be done, who should be involved, priority areas • Conclusion: Board statement about intended next steps, including further training sessions, planning and executing prevention and response measures
Training Aids	Flipchart or blackboard. Prepared Overheads/Handouts.
Facilitator Preparation	Familiarity with *Making It SafeR,* Sections I, II, III, and IV (at a minimum)
Legend of acronyms used	PS: participants HO: handout MIS: Making It SafeR (reference to resources) AOSC: Atmosphere, Operations, Structure, Communications
Handouts	Provide the facilitator with supplementary speaking notes.

1 MODULE Lesson Outline: Speaking Notes

FACING AND ADDRESSING CHILD SEXUAL ABUSE

Note: Instructions to facilitators are *italicized.*

Facilitor Welcomes Everyone
Introductions are made if people do not all know one another

TIME	SPEAKING NOTES	CUES

5 MINS

INTRODUCTION

Until recently, the sexual abuse of children in sport and recreation settings was something we didn't know existed, or we thought existed only elsewhere, in other kinds of organizations. It was definitely something we didn't openly discuss.

Since 1997, however, high-profile reports of child sexual abuse in sport have changed the situation. To suggest that sport settings are immune to what is a societal problem is to bury one's head in the sand.

As an organization offering programs and activities to children, we have to learn about the issues and work to make our organization SafeR. We need to do this for three major reasons:

1. Because it's the right thing to do, morally, ethically, and legally
2. Because we have an obligation to all who participate in our programs – especially children – to take reasonable measures to protect them from harm
3. Because failing to act or acting improperly increases our personal and organizational exposure to liability.

The aim of this session is to learn basic facts (and, in some cases, expert opinion) about sexual abuse, and to START the discussion about what our organization can and should do to prevent and respond to child sexual abuse.

10 MINS

DEVELOPMENT

Definition:

Ask: What is child sexual abuse?

Write question on flip chart; note PS' answers.

Facilitator's Summary: Two primary truths about child sexual abuse:

1. It may happen to a child of any age (Generally speaking, the term "child" refers to girls and boys from infancy to the age of 18. Certain exceptions apply, as in Part III of the *Child and Family Services Act,*

Use HO 1.1; highlight key elements of definitions.

which deals with child protection. Part III of the Act applies to children under the age of 16, unless they are already under the care of a children's aid society).

2. The abuser or offender is most often someone well-known to, even related to the victim, often in a position of trust or authority over the victim.

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15 MINS **Myths and Facts About Child Sexual Abuse**

A great many myths surround the issue of child sexual abuse. Here's a quiz that highlights the most common of them. *HO 1.2 and 1.3*

Use HO 1.2;Give PS 5 mins to answer individually, go through realities (HO 1.3)

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10 MINS **Statistics**

There have been a number of significant studies of child sexual abuse over the last 15 years. OH 1.4 points out the major common findings. The most common signs of sexual abuse in children have also been gathered and are included in HO 1.5. *HO 1.4 and 1.5*

Use HO 1.4; ask for comments; hand out HO 1.5

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15 MINS **Why Sport Organizations are Vulnerable**

As unpleasant as it may be to believe, sport and recreation organizations may be targeted by sexual predators for a variety of reasons. *HO 1.6*

Ask PS why they think this is true.

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10 MIN **Basic Statement about Legal Obligations of Sport and Recreation Organizations**

The legal issues surrounding child sexual abuse are very complex, and will be dealt with in some depth in Module 2. For the purposes of this session, the basic fact is this: **All sport organizations have a basic legal obligation to actively protect people, especially children, who participate in their programs or activities, from coming to harm in those programs or activities. This is true whether these organizations are incorporated or not, whether they are small or large, whether they have paid staff or not.**

It may be useful to write the bolded sentence on a flip chart or blackboard to emphasize the point.

Facilitator and organization leaders should be prepared for barrage of questions about legal issues. It may be useful to have a "Parking Lot" flip chart sheet ready, to record questions for use in Module 2.

20 MINS

PREPARING THE ORGANIZATION TO ADDRESS CHILD SEXUAL ABUSE

The"Journey" Image and the Road Map

Introduce the idea of the organization starting on a journey from where it is now to where it will be SafeR.

HO 1.7

Basic Issues:

- Everyone in organization needs to be educated about this issue
- Organization members need to be open and prepared to discuss this very difficult issue.
- Everyone who is affected by this issue should be invited to participate in discussions about prevention mechanisms (with the exception perhaps of young children); Board or executive must then make decisions.
- Goal is to make the organization SafeR.
- Organization is committing itself to going on a journey – from where it is now to a SafeR place; essentially, how it will do that is through risk management – identifying where things could go wrong throughout the organization, in its atmosphere, operations, structure, and communication – and minimizing or eliminating those things as far as is reasonable and prudent.

It is recommended that sport organizations develop formal measures that will create the atmosphere, operations, structure and communication that will foster safety and protection for all, and will minimize the risk of harm coming to any child in their programs.

These protective measures include articulating statements of principle, policies, specific procedures, practices, and guidelines to deal with the prevention of, and response to, sexual abuse.

Atmosphere, Operations, Structure, and Communication

Organizations can be analysed in various ways. One way of looking at them that can be helpful to organizations trying to deal with child sexual abuse is to imagine that the organization is like an onion, or the earth, with a number of layers, one inside the other.

The outer layer of the organization is its COMMUNICATION – what the organization and its members say to each other and to those outside the organization about what goes on, how things are done, etc. The risk management question is whether or not this communication supports and furthers the goal of increasing awareness of child sexual abuse, and enhancing the safety of all in the organization.

Inside is the layer of STRUCTURE – how the organization is set up, what formal structures it has in place – e.g., board, executive, committees, education and training, articulated values, mission, principles, policies, procedures, practices, and guidelines. Are these structures conducive to abuse prevention? What formal measures do we need to undertake in order to further the goals of awareness and protection?

Still deeper inside is the layer of an organization's OPERATIONS – this means what the organization actually does (its ACTIVITIES or PROGRAMS), who takes part in them (PLAYERS OR PARTICIPANTS), and who offers the programs on behalf of the organization (STAFF – paid, unpaid, administrators, coaches, leaders, managers, parent reps, officials, etc.) Managing risk here involves asking: What can go wrong? How can people be harmed by the activities we run? How are our players vulnerable? How do we appropriately screen the people who work with us? How can the risks be minimized or eliminated?

The deepest layer of the organization is its ATMOSPHERE – this refers to what the organization is really like. Is it friendly? Is it cliquish? Are issues like sexual abuse talked about? Are they never talked about? This is sometimes the hardest part of the organization to change, because it is the least tangible. But it is the most important. All the formal protection measures in the world may be meaningless if people, especially children, don't feel that they can talk to someone in the organization about being abused, or think that no one will believe them.

Brainstorm and Record Ideas

Generate discussion about prevention mechanisms that PS believe might be useful. Capture ideas on flip charts so they will not be lost. If there's time, break into small groups to brainstorm, then regroup and record answers. If no time, do as a single group.

Be familiar with Section IV of Making It SafeR, in order to use Atmosphere, Operations, Structure, and Communication as starting points and framework for comments, and for ideas to generate discussion.

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10 MINS

SUMMARY AND CLOSING

Review briefly the topics covered in this Module:

- Myths and Facts
- Statistics and Warning Signs
- Basic legal obligation of organizations
- Going on a Journey/ Road Map image
- Atmosphere, Operations, Structure, and Communication
- Brainstormed ideas about prevention measures

The Facilitator or, better yet, a representative of the Board, should make a commitment that the Board will consider all ideas in its deliberations about prevention measures.

Thank participants and invite them to attend Module 2 on legal issues.

Note:
Those responsible for the organization's prevention measures could benefit by participating in this Module (as well as 2, 3, and 4) before plans are actually made.

Handouts

2.1 *CFSA* Intent

2.2 CFSA: Duty to Report

2.3 Designated Professionals and Officials

2.4 *Criminal Code of Canada (Introduction)*

2.5 *Criminal Code:* Prohibition Orders

2.6 Duty of Care

2.7 The Law

2.8 Standard of Care

2.1 *CFSA* Intent

- Provides for a broad range of services
- For families and children
- Promotes the best interests, protection, and well-being of children

2.2 CFSA: Duty To Report

Every person, including a person who performs professional or official duties with respect to children, who has reasonable grounds to suspect that a child is in need of protection, must report such a suspicion to a children's aid society immediately.

A person:

- Who performs professional and official duties with respect to children and
- Who, in the course of his/her professional or official duties, has reasonable grounds to suspect that a child is in need of protection, and
- who fails to report such a suspicion immediately,

is guilty of an offence, liable to a fine of up to $1,000.

Report must be made to a children's aid society and where appropriate, the police. The police should also be notified if the alleged offender is not a parent, guardian, or person in charge of the child.

A director, officer, or employee of a corporation, who authorizes, permits, or concurs in the contravention by an employee of the corporation of the requirement to report, may be fined up to $1,000.

A corporation includes a non-profit corporation.

2.3 Designated Professionals and Officials

INCLUDES:

Health care professionals (e.g., doctors, nurses, pharmacists, dentists, psychologists)
Teachers and school principals
Social workers and family counsellors
Priests, rabbis, members of the clergy
Operators or employees of a day nursery
Youth and recreation workers (but not volunteers)
Peace officers and coroners
Solicitors and
Service providers and employees of service providers

Note:
A SERVICE PROVIDER means the Minister (of Community and Social Services), a Minister-approved agency, a society, a licensee, or a person who provides an approved service or provides a service purchased by the Minister or an approved agency.

2.4 *Criminal Code of Canada*

Introduction

CC terminology and definitions

CC offences are described as follows. There are no direct references in the CC to child abuse or child sexual abuse.

An assault is generally defined as the intentional application of force to a person by another without consent. This can include mere touching.

Sexual assault is a type of assault. It has been described as a situation where assault of a sexual nature violates the sexual integrity of the victim. This includes an act that is intended to degrade or demean another person for sexual gratification.

The *Criminal Code* specifically recognizes the vulnerability of children to sexual offences. There are several offences dealing with the direct or indirect touching of children's bodies for sexual purposes. These are as follows:

- "Sexual interference" is the direct or indirect touching, for a sexual purpose, of any part of the body of a child under the age of 14;
- "Invitation to sexual touching" involves inviting a child under the age of 14, to touch his or her own body or the body of any other person, including the person doing the inviting, for a sexual purpose;
- "Sexual exploitation" is an offence committed by anyone in a position of trust or authority towards a young person, defined as someone between the ages of 14 and 18 years old, who touches that young person for a sexual purpose or invites touching for a sexual purpose.

There are additional offences, including:

- Indecent acts, including the exposure of genitals for a sexual purpose, where the child is under the age of 14;
- Attempting to obtain the sexual services of a child under 18 years of age; and
- Permitting any sexual activity involving a child under 18 on premises within the control of the offender.

Consent

The issue of when a person can be said to have voluntarily agreed to engage in sexual activity is a very complicated one in criminal law. In general, when someone has abused a position of trust, power, or authority in inducing a person to engage in sexual activity or in committing sexual assault, there is no consent.

2.5 *Criminal Code:* Prohibition Orders

Prohibition orders can be sought in two circumstances:

a. where a person has reasonable grounds to fear that another will commit certain sexual offences against children under 14.

   The order may prohibit the individual from attending at specified places where children under 14 are likely to be present for up to 12 months.

b. where an offender has been convicted or conditionally discharged with respect to certain sexual offences against children under 14.

The order may prohibit the offender from attending at specified places where children under 14 are likely to be present or from seeking employment or volunteer work that involves being in a position of trust or authority towards children under 14. The order may be in effect for any period up to life.

2.6 Duty of Care

Duty of care refers to the legal obligation on an individual or organization toward others who participate in the organization's programs or activities to take reasonable measures to protect the others from an unreasonable risk of harm.

Organizations are encouraged to seek legal advice on how to best meet "duty of care" obligations

Liability refers to an individual's or organization's legal responsibility for an action or inaction that causes harm or wrong. Liability is enforced by the courts.

If an organization does not meet the standard of care required of it under specific circumstances, the organization, and possibly the individuals involved in it, may be held directly liable for negligence.

An organization may be found to be directly liable because of certain actions it took, but it may also be directly liable for not taking action it should have taken to protect others against unreasonable risk of harm. This includes not properly screening, supervising, evaluating, or monitoring people who provide the services and programs.

An organization can also be held liable for the harmful actions of the people who act on its behalf. A court may find an organization liable even if the organization itself had no knowledge of the harmful actions. This includes the actions of paid staff, volunteers, and other people who provide a service to the organization (e.g., co-op students, or people on community service orders).

The organization is expected to protect people from harm that may arise from:

- Programs or activities offered
- Premises or facilities used
- People who act on behalf of the organization or other people who may come onto the premises or into the programs.

2.7

The law recognizes that there are risks in any activity. It requires that individuals and organizations take reasonable measures to prevent, minimize, avoid, or eliminate the risks.

2.8 Standard of Care

- Level and kind of care
- No one single standard of care
- Standard depends on:
  - nature of relationship between the parties
  - nature of the programs
  - risks in the programs

Basic question:

> **Did the organization do what was necessary, appropriate, and reasonable, under the circumstances, to ensure to the extent reasonably possible, that harm would not come to those in its care?**

2 MODULE Summary

THE LAW AND CHILD SEXUAL ABUSE

Subject	A primer on legal issues related to child sexual abuse and sport organizations.
Prerequisites	Module 1: Facing and Addressing Child Sexual Abuse.
Target Audience	Board, Executive, Administrators, Coaches, Managers, Leaders, Parents, Older Players or Participants.
Aim	Following the prerequisite module "Facing and Addressing Child Sexual Abuse," this session will provide participants with a basic understanding of pertinent laws, including the *Child and Family Services Act,* and the duty to report child abuse or neglect.
Desired Outcome	Participants will have a clear, if rudimentary understanding of the law and the legal obligations of the organization and of individuals within the organization with respect to child sexual abuse. Participants will understand the nature of the steps that these legal obligations require individuals and the organization to take.
Time	One and one-half hours minimum.
Opportunity/Setting	At a regular board meeting, at a specially called meeting, as part of orientation and training of board, executive, administrators, managers, coaches, leaders, parent reps
Group Size	Six to 25.
Method	• Facilitator's Welcome, Introductions • Lecture/Discussion on *Child and Family Services Act* and the duty to report • Lecture/Discussion on *Criminal Code of Canada* and sexual assault offences, prohibition orders • Lecture/Discussion on the common law • Lecture on concept of risk management as method of fulfilling duty of care • Lecture on Incorporated vs. Non-incorporated orgs. • Throughout – discussion of specific questions, concerns re legal issues that need response, clarification
Training Aids	Flipchart or blackboard. Prepared Overheads/Handouts
Facilitator Preparation	Familiarity with *Making It SafeR*, Sections I through IV, at a bare minimum Assistance from lawyer, children's aid society worker, and/or police officer would be useful if possible.
Legend of acronyms used	PS: participants HO: handout MIS: Making It Safer (reference to resources) CFSA: *Child and Family Services Act.* CC: *Criminal Code.*
Handouts	Handouts provide the facilitator with supplementary speaking notes.

2 MODULE Lesson Outline: Speaking Notes

THE LAW AND CHILD SEXUAL ABUSE

Note: Instructions to facilitators are *italicized.*

Facilitator Welcomes Everyone. Introductions are made if necessary.

TIME	SPEAKING NOTES	CUES
5 MINS	**INTRODUCTION** We know, without being told, that the sexual abuse of children is against the "law." We understand that it is a violation and that children are entitled to be protected against it. However, sport organizations should know more than this. They should be aware of the specific laws relevant to child sexual abuse, some of which impose certain obligations on organizations with respect to the children in their care. And the leaders of sport organizations – in particular, their Boards or Executives – are specifically required to take action to protect from harm the children in their care. During this session, we'll look at the basic legal issues and the most important laws related to child sexual abuse. These legal issues are very complex, and no one will be, nor could be expected to be, an expert at the end of a two-hour training session. However, by the end of this session, the most important legal issues should be relatively clear, so that organizations' leaders can use that knowledge in developing abuse prevention measures. **Organizations are always advised to seek the advice of a competent lawyer, one who is knowledgeable about this area of the law, for help on specific or detailed legal questions.**	
30 MINS	**DEVELOPMENT** **The Law and Child Sexual Abuse** *Reassure participants again that it will take some time to become familiar with this material, and that no one is expected to be an expert on it. If it is possible, it may be a good idea to break into small groups, so that at the end of each section, the PS can talk to one another about the issues raised, and then identify issues or questions that need clarification or response.* ***The Facilitator should not try to respond or offer advice or information beyond the scope of his or her knowledge.***	

The Ontario *Child and Family Services Act (CFSA)* *HO 2.1*

The CFSA is a provincial law that provides for a broad range of services for families and children, including children who are or may be in need of protection. A paramount objective of the Act is to promote the best interests, protection and well being of children. The most important elements for sport organizations are discussed below.

The CFSA makes it an offence for a person having charge of a child to physically harm, sexually molest or sexually exploit a child, or permit the child to suffer such harm by failing to care and provide for or supervise or protect the child adequately. Anyone convicted of these offences may be fined up to $2,000, or imprisoned for up to two years, or both. A director, officer, or employee of a corporation, including a non-profit corporation, who authorizes, permits, or concurs in the abuse of a child by the corporation, is liable to the same penalties.

Duty to report *HO 2.2*

The CFSA also imposes a duty to report harm or the risk of harm to a child. Members of the public, including people who perform professional or official duties with respect to children, have an obligation to report promptly to a children's aid society if they suspect that a child is or may be in need of protection. The suspicion and the information upon which it is based must be reported.

Some of the situations in which a child is said to be "in need of protection" are also categorized as "abuse." One situation where a child is said to suffer abuse is where the child has been sexually molested or sexually exploited by the person having charge of the child.

The Act recognizes that people working with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes their failure to report an offence. Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to $1,000.

A professional is defined in section 72 of the Act. The list sets out examples only. If your work involves children but is not on this list, you may still be considered to be a professional for purposes of the duty to report. If you are not sure whether you may be considered to be a professional for purposes of the duty to report, you should contact your local children's aid society, professional association or regulatory body. *HO 2.3*

Even though under the Act, a youth and recreation worker does not include a volunteer, a volunteer board member who is performing professional or official duties with respect to a child may be considered to be a professional for purposes of the duty to report and be subject to the duty to report for professionals. For example, a doctor who volunteers her time to serve as team doctor would be required to report suspected neglect.

Note: The duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official. The only exception for "privileged" information is in the relationship between a solicitor and a client. Should a civil action be brought against a person who made a report, that person will be protected unless he or she acted maliciously or without reasonable grounds for his or her belief or suspicion.

Note: The duty to report applies not only to harm or risk of harm suffered by a child when participating in the sports organization, but also where the harm or risk of harm arises outside the sports organization, e.g., in the child's home. For instance, if a coach becomes aware of a pattern of suspicious injuries or bruises on a child's body and has reasonable grounds to suspect that they were caused by the child's parent, the coach must make a report to a children's aid society. The coach must make the report him or herself. Neither the coach, nor the sports organization, should investigate before reporting. That is the job of the children's aid society.

The Act states that the duty to report is an ongoing obligation. This means that a person who has additional reasonable grounds to suspect that a child is or may be in need of protection is required to make a further report to a children's aid society even if the person has made previous reports about the same child.

The following section on "Amendments" is optional. Only participants familiar with the previous CFSA provisions would find it useful.

The information provided here reflects the amendments to Ontario's *Child and Family Services Act,* which came into effect March 31, 2000. Appendix A (of the Making It SafeR handbook) provides a comparison of the former provisions and the amendments that replaced them. In brief, the new amendments:

1. Replaced the previous general duty to report and the special duty to report for professionals with a single duty to report for both the public and professionals.
2. Expanded the definition of a child "in need of protection" in order to encourage earlier action to protect children.
3. Made it clear that a person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the children's aid society. The person must not rely on any other person to report on his or her behalf.

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15 MINS

The Criminal Code of Canada

Give participants time to read the handout. *HO 2.4*

The Criminal Code of Canada is a federal law; it applies across Canada. It includes a number of offences related to sexual abuse of children. HO 2.4 describes the most relevant elements of the *Criminal Code* for this discussion. We should point out especially the following:

Definition of Sexual Assault: An assault is generally defined as the intentional application of force to a person by another without the victim's consent. Sexual assault is an assault that is committed in circumstances of a sexual nature that violates the sexual integrity of the victim.

A number of offences relate specifically to the direct or indirect touching of children's bodies for sexual purposes. There are also other sexual offences against children. Organizations working with children should be aware of these offences.

The issue of when someone **consents** to sexual activity is a very thorny and complex one. However, two basic principles regarding consent and children are very clear in the *Code:*

1. No consent is possible where the person alleged to have committed the assault is exercising authority over the victim in some way;
2. No one under the age of 14 can be said to have legally consented to sexual activity with an adult.

Penalties and punishment for those who sexually assault children can include fines and imprisonment for a term as long as a life sentence.

Prohibition Orders: The *Criminal Code* also deals with situations where it may be necessary to obtain the court's assistance to keep certain individuals away from children. Any person who fears, on reasonable grounds, that another person will commit certain sexual offences against children under 14, may apply to a court for an order prohibiting the suspected offender from participating in activities that involve contact with children under 14. The order may prohibit attendance at specified places where children under 14 are likely to be present, such as schoolyards or public parks, for up to 12 months.

HO 2.5

To protect children from contact with people who have been convicted or those conditionally discharged, the *Criminal Code* permits a court to impose a prohibition order. The order prohibits the offender from attendance at places where children under 14 are likely to be present, or from obtaining paid or volunteer employment in a position of trust or authority with children under 14. This prohibition order may be for life or a shorter period.

Give participants some time to review the handout individually or in small groups, and ask them to identify any questions or issues that need clarification or response. Commit to seeking the information and sharing the information.

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30 MINS

The Common Law

The common law is not a piece of legislation like the CFSA or the *Criminal Code*. The common law is the name given to the body of judge-made law that has developed over the past several hundred years. It is based on fundamental principles, such as the duty of care.

HO 2.6, 2.7 and 2.8

A sport organization owes a duty of care to individuals involved in its programs and activities, to avoid contact that presents an unreasonable risk of danger or harm.

Organizations must take preventative action to keep children from harm. They must also respond quickly if harm is done, but responding is not enough. They must take reasonable steps to prevent sexual abuse of children in their programs, on their premises, or at the hands of people who act for the organization, or who come to the programs or onto the premises.

The following statement is emphasized because it is essential that organizations understand this principle. Use HO 2.7.

The law recognizes that there are risks in any activity. It requires that individuals and organizations take reasonable measures to prevent, minimize, avoid, or eliminate the risks.

There is no one single "standard of care" or level and kind of care that an organization must provide to protect children. In law, the standard of care is ordinarily measured by what the reasonable person of ordinary prudence would do in the circumstances. The standard will vary depending on the specific circumstances of each organization. For example, what an organization would be expected to provide for five year olds would be somewhat different than what it would be expected to provide for fifteen year olds in its care.

Liability

"Liability" is legal responsibility for an action or inaction that causes harm or wrong. Liability is imposed by courts in their decisions interpreting or enforcing laws. Individuals can be held liable, and so can organizations. If an organization or an individual involved in it does not meet the standard of care required under specific circumstances, the organization or those individuals may be found liable for negligence. There can be liability for actions an organization took, but an organization may also be liable for not taking action it should have to protect others against an unreasonable risk of harm.

An organization can also be held liable for the harmful actions of its employees or others authorized by the organization to act on its behalf.

As part of its duty of care towards children, the organization must look at the real and potential risks and dangers involved in its programs and activities, and act to minimize, avoid, or eliminate them. The Fourth Module leads organizations through the steps of assessing risk and creating prevention measures, including screening staff, to address the risks.

Unincorporated Associations

If an organization is successfully sued, liability is usually limited to the organization itself and its assets. Usually, the individual officers and directors of an incorporated organization will not be held personally liable. On the other hand, it is the members of an unincorporated organization who will generally be held to be personally liable for the actions (or inaction) of the unincorporated association. Their personal assets, and particularly those of the individuals who lead and control the organization, can therefore be at risk, as they can be named personally in any lawsuit. It is therefore particularly important for such organizations to take all necessary measures to minimize the risks of sexual abuse occuring to the children participating in its programs.

Give participants time to review the handout and talk about the information just given; record questions, issues that need clarification or response.

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10 MINS

Risk Management: Keeping Participants SafeR from Harm and Minimizing Exposure to Liability

Adequately assessing the risks involved in their programs and activities, and acting to reduce, eliminate, or avoid those risks, is one of the best ways that organizations can protect the children in their care, and minimize their exposure to liability.

Risk management entails:

1. Asking the questions "what could go wrong here? How? With what consequences?
2. Asking "how do we avoid these things?" "How do we eliminate them or minimize the possibility that they will happen?" And doing those things that will minimize, avoid or eliminate the risk of harm.

Module 4 sets out a framework and model for good risk management in sport organizations.

Give participants a few minutes to digest all of this and talk to one another in their small groups, if possible. Ask for final questions, comments; commit to finding answers if possible.

SUMMARY AND CLOSING

Review briefly the key topics covered in this Module:

The *Child and Family Services Act*
The *Criminal Code of Canada*
The Common Law
Risk Management

Thank participants and invite them to attend Module 3 on dealing with suspected or alleged cases of child sexual abuse. Make sure questions and comments and requests for information are recorded for follow-up.

Handouts

2.1 *CFSA* Intent

2.2 CFSA: Duty to Report

2.3 Designated Professionals and Officials

2.4 *Criminal Code of Canada (Introduction)*

2.5 *Criminal Code*: Prohibition Orders

2.6 Duty of Care

2.7 The Law

2.8 Standard of Care

2.1 *CFSA* Intent

- Provides for a broad range of services
- For families and children
- Promotes the best interests, protection, and well-being of children

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A person:

- Who performs professional and official duties with respect to children and
- Who, in the course of his/her professional or official duties, has reasonable grounds to suspect that a child is in need of protection, and
- who fails to report such a suspicion immediately,

is guilty of an offence, liable to a fine of up to $1,000.

Report must be made to a children's aid society and where appropriate, the police. The police should also be notified if the alleged offender is not a parent, guardian, or person in charge of the child.

A director, officer, or employee of a corporation, who authorizes, permits, or concurs in the contravention by an employee of the corporation of the requirement to report, may be fined up to $1,000.

A corporation includes a non-profit corporation.

2.3 Designated Professionals and Officials

INCLUDES:

Health care professionals (e.g., doctors, nurses, pharmacists, dentists, psychologists)
Teachers and school principals
Social workers and family counsellors
Priests, rabbis, members of the clergy
Operators or employees of a day nursery
Youth and recreation workers (but not volunteers)
Peace officers and coroners
Solicitors and
Service providers and employees of service providers

Note:
A SERVICE PROVIDER means the Minister (of Community and Social Services), a Minister-approved agency, a society, a licensee, or a person who provides an approved service or provides a service purchased by the Minister or an approved agency.

2.4 *Criminal Code of Canada*

Introduction

CC terminology and definitions

CC offences are described as follows. There are no direct references in the CC to child abuse or child sexual abuse.

An assault is generally defined as the intentional application of force to a person by another without consent. This can include mere touching.

Sexual assault is a type of assault. It has been described as a situation where assault of a sexual nature violates the sexual integrity of the victim. This includes an act that is intended to degrade or demean another person for sexual gratification.

The *Criminal Code* specifically recognizes the vulnerability of children to sexual offences. There are several offences dealing with the direct or indirect touching of children's bodies for sexual purposes. These are as follows:

- "Sexual interference" is the direct or indirect touching, for a sexual purpose, of any part of the body of a child under the age of 14;
- "Invitation to sexual touching" involves inviting a child under the age of 14, to touch his or her own body or the body of any other person, including the person doing the inviting, for a sexual purpose;
- "Sexual exploitation" is an offence committed by anyone in a position of trust or authority towards a young person, defined as someone between the ages of 14 and 18 years old, who touches that young person for a sexual purpose or invites touching for a sexual purpose.

There are additional offences, including:

- Indecent acts, including the exposure of genitals for a sexual purpose, where the child is under the age of 14;
- Attempting to obtain the sexual services of a child under 18 years of age; and
- Permitting any sexual activity involving a child under 18 on premises within the control of the offender.

Consent

The issue of when a person can be said to have voluntarily agreed to engage in sexual activity is a very complicated one in criminal law. In general, when someone has abused a position of trust, power, or authority in inducing a person to engage in sexual activity or in committing sexual assault, there is no consent.

2.5 *Criminal Code:* Prohibition Orders

Prohibition orders can be sought in two circumstances:

a. where a person has reasonable grounds to fear that another will commit certain sexual offences against children under 14.

   The order may prohibit the individual from attending at specified places where children under 14 are likely to be present for up to 12 months.

b. where an offender has been convicted or conditionally discharged with respect to certain sexual offences against children under 14.

The order may prohibit the offender from attending at specified places where children under 14 are likely to be present or from seeking employment or volunteer work that involves being in a position of trust or authority towards children under 14. The order may be in effect for any period up to life.

2.6 Duty of Care

Duty of care refers to the legal obligation on an individual or organization toward others who participate in the organization's programs or activities to take reasonable measures to protect the others from an unreasonable risk of harm.

Organizations are encouraged to seek legal advice on how to best meet "duty of care" obligations

Liability refers to an individual's or organization's legal responsibility for an action or inaction that causes harm or wrong. Liability is enforced by the courts.

If an organization does not meet the standard of care required of it under specific circumstances, the organization, and possibly the individuals involved in it, may be held directly liable for negligence.

An organization may be found to be directly liable because of certain actions it took, but it may also be directly liable for not taking action it should have taken to protect others against unreasonable risk of harm. This includes not properly screening, supervising, evaluating, or monitoring people who provide the services and programs.

An organization can also be held liable for the harmful actions of the people who act on its behalf. A court may find an organization liable even if the organization itself had no knowledge of the harmful actions. This includes the actions of paid staff, volunteers, and other people who provide a service to the organization (e.g., co-op students, or people on community service orders).

The organization is expected to protect people from harm that may arise from:

- Programs or activities offered
- Premises or facilities used
- People who act on behalf of the organization or other people who may come onto the premises or into the programs.

2.7

The law recognizes that there are risks in any activity. It requires that individuals and organizations take reasonable measures to prevent, minimize, avoid, or eliminate the risks.

2.8 Standard of Care

- Level and kind of care
- No one single standard of care
- Standard depends on:
  - nature of relationship between the parties
  - nature of the programs
  - risks in the programs

Basic question:

Did the organization do what was necessary, appropriate, and reasonable, under the circumstances, to ensure to the extent reasonably possible, that harm would not come to those in its care?

3 MODULE Summary

RESPONDING TO SUSPECTED OR ALLEGED CHILD SEXUAL ABUSE

Subject	Dealing with suspected or alleged cases of child sexual abuse
Prerequisites	Module 1 and Module 2
Target Audience	Board, Executive, Administrators, Coaches, Managers, Leaders, Parents, Older Players or Participants
Aim	To discuss appropriate organizational response to suspected or alleged child sexual abuse To recap basic information about what is legally required of organizations in response to such incidents.
Desired Outcome of Training	Participants will understand legal requirements, basics of the official child protection process, and can begin to plan organizational response mechanisms to meet legal obligations and to minimize harm to individuals and the organization
Time	Two hours and a half, minimum
Opportunity/Setting	• at a regular board meeting • at a specially called meeting • as part of orientation and training of board, executive, administrators, managers, coaches, leaders, parent reps
Group Size	Six to 25
Method	• Facilitator's Welcome, Introductions • Review of legal requirements to report abuse • Lecture – Understanding the child protection process • Discussion: What should the organization do while authorities investigate? • Lecture/Discussion: Helping people and the organization heal, learning from incident, improving risk management
Training Aids	Flip chart or blackboard Prepared overheads/handouts Copy of *Making It SafeR* for reference or copy of the *Child and Family Services Act*
Facilitator Preparation	Familiarity with *Making It SafeR*, Sections I, II, III, IV, and VI, at a minimum
Legend of acronyms used	PS: participants HO: handout MIS: Making It SafeR (reference to resources) CFSA: *Child and Family Services Act.*
Handouts	Handouts provide the facilitator with supplementary speaking notes.

3 MODULE Lesson Outline: Speaking Notes

RESPONDING TO SUSPECTED OR ALLEGED CHILD SEXUAL ABUSE

Note: Instructions to facilitators are *italicized.*

Facilitator Welcomes Everyone. Introductions are made if necessary.

TIME	SPEAKING NOTES	CUES
5 MINS	**INTRODUCTION**	
	Organizations need to know what they are legally required to do, and should have a response plan in place, in case child sexual abuse is suspected, alleged, or disclosed. Being prepared to respond quickly, appropriately, and thoroughly may, at least, help prevent a recurrence of abuse, and may help people and the organization recover sooner from the trauma. In addition, organizations should create and implement a plan to identify and deal with incidents or allegations that can be dealt with internally. This session focuses on these three matters.	
	The facilitator should emphasize at this point the need for organizations to seek legal advice, especially when a member of their organization is under investigation. The Making It SafeR resources provide general information only, and this information does not constitute legal advice. Lawyers can advise as to how these general principles may affect an organization.	
30 MINS	**DEVELOPMENT**	
	The Legal Obligations to Report Suspected or Alleged Abuse The *Child and Family Services Act* (CFSA) imposes certain obligations on individuals and on organizations that have charge of children.	
	Duty to Report	
	The CFSA recognizes that each of us has a responsibility for the welfare of children. It states that members of the public, including people who perform professional or official duties with respect to children, have an obligation to report promptly to a children's aid society if they suspect that a child is or may be in need of protection. The suspicion and the information upon which it is based must be reported.	*Use HO 2.2 (from Module 2)*

Some of the situations in which a child is said to be "in need of protection" are also categorized as "abuse." One situation where a child is said to suffer abuse is where the child has been sexually molested or sexually exploited by the people having charge of the child.

The Act recognizes that people working with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes their failure to report an offence. Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to $1,000.

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20 MINS

Who is a "professional"?

HO 2.3 (of Module 2) presents a list of people included in the legislation as performing professional or official duties. *HO 2.3*

The Act identifies "youth and recreational workers" as one of the designated professionals or officials. This means that a paid youth or recreational worker is required by the Act to report, or face a fine.

The Act also stipulates that a "youth and recreation worker" does not include a volunteer. However, a volunteer board member who is performing professional or official duties with respect to a child may be considered to be a professional for purposes of the duty to report and be subject to the duty to report for professionals. For example, doctors who volunteer their time to be team doctors would be required to report.

While they may discuss the issue with the people in charge of the organization, they cannot and should not rely on the people in charge to report on their behalf. People in charge of the organization must ensure that a report has indeed been made, and that they take whatever steps are necessary to cooperate and respond to the investigation.

The Act also states that the duty to report is an ongoing obligation. This means that a person who has additional reasonable grounds to suspect that a child is or may be in need of protection is required to make a further report to a children's aid society even if the person has made previous reports about the same child.

Module 2 provides more in-depth discussion of the CFSA. The facilitator should be thoroughly familiar with the CFSA section in Module 2.

30 MINS

To Report or Not to Report

Use HO 3.1 and 3.2

People do not have to be certain; they do not have to have proof; and they should not try to investigate the matter. The suspicion is enough ground to alert the authorities and let them investigate. It is not up to the sport organization to determine if the suspicion is valid or not; that is the job of the child protection authorities.

Suspicion or belief can come about in many ways, including when:

- A child discloses abuse or neglect; or
- A coach becomes aware of a pattern of suspicious injuries or bruises on a child's body.

Handouts 3.1 and 3.2 provide examples of behavioural and physical signs of sexual abuse.

Organizations must respond to any disclosure or allegation about child sexual abuse or any of other grounds of protection. All disclosures or allegations should be taken seriously, and dealt with immediately.

If someone does allege or disclose that a child has been sexually abused in any way **(regardless of who the alleged offender is)**, a report must be made to the children's aid society and where appropriate, the police. If there is doubt as to whether an alleged or disclosed action constitutes abuse or not, the report should still be made. The children's aid society will make a determination and advise accordingly.

People may see physical or behavioural indicators of abuse, or notice or hear things that lead them to suspect or even to believe that a child has been sexually abused. For example, children often have to dress and undress in the course of participating in sport activities, and coaches, trainers, and others may see physical signs of abuse. Because children often find it very hard to disclose that they are being abused, an organization may be more likely to hear about the matter first from someone other than the child.

The individual to whom a child disclosed abuse should report the suspicion or belief to the children's aid society, and the organization should make sure that it is done. The organization's leaders should follow the instructions of the children's aid society about talking to the child or the person accused, if known.

TIME	SPEAKING NOTES	CUES
10 MINS	**Responding to a Child who Disclose Sexual Abuse** Children do, of course, sometimes disclose sexual abuse. If this happens, the individual to whom the disclosure is made must be extremely careful about responding to the child. No promise of secrecy should be given. The individual and the organization should, of course comfort and reassure the child, but they should not interview the child. That is the job of the child protection authorities, and the organization may unintentionally compromise an investigation and possibly the outcome of a trial if it takes this matter into its own hands. HO 3.3 sets out some useful guidelines for responding appropriately to a child.	*HO 3.3*
10 MINS	**The Child Protection Process** *Ask participants to read the handout that describes the child protection process.* The official child protection process is outlined on HO 3.4. Organizations should be aware of how the process works, and should take their direction about official dealings with the alleged victim and alleged offender from the children's aid society and/or the police.	*HO 3.4*
20 MINS	**What Should the Organization Do During an Investigation?** Handout 3.5 includes some general guidelines for organizations dealing with a disclosure or allegation of child sexual abuse. Each organization should establish its own procedures; these guidelines should help. *Lead the participants in a discussion about what procedures the organization should establish, based on these guidelines. Record the ideas for the board's or executive's consideration.* **Helping People and the Organization Heal** If the offender or alleged offender is a member of the organization, one of the most important tasks the leaders of an organization face is trying to heal an organization once an allegation of abuse has been made or if abuse is confirmed. Such an incident can tear apart an organization and the relationships among people involved in it. Leaders should give serious thought to the steps they can take to restore trust, rebuild relationships, and to improve the organization's prevention and response measures, to learn from the situation, so as to reduce the chance of it happening again.	*Use HO 3.5*

In fact, improving the organization's prevention and response measures is the best thing organizations can do at this time—it is a key step towards restoring trust and rebuilding relationships. Look at atmosphere, operations, structure and communications and brainstorm about what could be done in each to restore trust. Reviewing the organization's atmosphere and communications, in particular, can help restore trust and rebuild relationships. How does sexual abuse get talked about? Or does it? Hold special meetings for parents, coaches, officials, players, and give an accurate picture of what is happening. Ask them for feedback and ideas.

Likewise, an incident of sexual abuse would definitely call for an immediate review of operations and structural issues. The organization could sort out if what went wrong had anything to do with deficiencies in its risk management and/or sort out how things could be done better. The bottom line is that if there is an incident, the organization's leaders will need to face the situation and take concrete steps in each of these areas.

This work often doesn't get done by organizations that just want to "forget what happened and go on." It's vital that that not happen; that leaders especially take concrete steps to work on healing the organization.

This will likely have been a very difficult session for people; try to keep some time for a discussion at the end of ways to rebuild, so that the session ends on a positive note. Record the suggestions for the board's use.

Handouts

3.1 Behavioural Signs of Sexual Abuse

3.2 Physical Signs of Sexual Abuse in Children

3.3 Guidelines for Responding to a Child

3.4 General Information about Reporting A Child in Need of Protection

3.5 What should an organization do if sexual abuse is alleged or disclosed

3.1 Behavioural Signs of Sexual Abuse

In a Young Child

- Sexual knowledge or language that is inappropriate for the child's age or development
- An unusual interest in or preoccupation with sexual matters
- Hints about sexual activity through actions or comments that are inappropriate to the child's age or developmental level
- Inappropriate sexual play or behaviour with dolls/toys, other children or themselves
- Art that shows abuse
- Excessive masturbation
- Persistent urinating or defecating in clothes
- Regressive behaviour: baby talk, thumb sucking
- Fear or avoidance of any aspect of sexuality
- Sexually suggestive behaviour with adults or older children
- Consistent psychosomatic complaints or frequent depression
- Poor social boundaries
- Starting fires or fascination with fire

In an Older Child

- Sexual knowledge or language that is inappropriate for the child's age or development
- Hints about abusive sexual activity through actions or comments
- Sexually suggestive behaviour with adults or older children
- Consistent psychosomatic complaints or frequent depression
- Difficulty concentrating, withdrawn, overly obedient
- Seeming accident-prone
- Starting fires or fascination with fire
- Running away
- Promiscuity or prostitution
- Refusing to undress for gym, often wearing layers of clothing
- [creating] stories, poems, or artwork about abuse
- suicidal feelings or attempts
- destroying property, hurting or mutilating animals

3.2 Physical Signs of Sexual Abuse in Children

- Bruising, bleeding, swelling, tears or cuts of genitals or anus
- Unusual vaginal odour or discharge
- Torn, stained, or bloody clothing, especially underwear or itching in genital area, difficulty going to the bathroom, walking or sitting
- Sexually transmitted disease, especially in a pre-adolescent child
- Pregnancy

NOTE:

Behavioural and physical indicators may of course relate to matters other than sexual abuse, and the presence of any one of them does not necessarily mean that a child is being abused.

3.3 Guidelines for Responding to a Child

- Take the child seriously and stay calm

- Reassure and support the child. Say things like:
  - "I'm glad you told me; it was the right thing to do."
  - "It's not your fault."
  - "This happens to other children."
  - "I believe you."
  - "I'm sorry this happened to you."
  - "I'll try to make sure you are safe."

- Respond to the child's questions and concerns, but don't try to investigate. Children's testimony can be tainted by well-meaning people who try to probe for information about what happened. Leave that to the authorities.

- Don't make promises you can't keep. Don't tell a child that you will be able to keep this secret; don't say "your parents won't be upset;" don't promise that the person who abused the child will be punished.

- Report the matter in confidence to the Board President or person or committee designated to deal with such matters.

- Any person, including a person who performs professional or official duties with respect to children, has an obligation to report promptly to a children's aid society if he/she has reasonable grounds to suspect that a child is in need of protection.

- The Act also penalizes the failure of a person with professional or official duties to report their suspicion, where the information upon which their suspicion is based was obtained in the course of their professional or official duties.

3.4 General Information about Reporting A Child in Need of Protection

1. Anyone who has reasonable grounds to suspect that a child is or may be in need of protection must, by law, immediately report the suspicion and the information on which it is based to a children's aid society. In addition, where appropriate and/or where it is required as a policy, a report should be made to the police.

2. While government is responsible for legislation, regulations, standards and policy which set out minimum requirements for all child protection investigations, the specific process may vary from region to region and is often governed by police/CAS protocols.

3. The child protection worker and the police (if involved) are responsible for planning and conducting the investigation. This will usually include interviewing the child, the child's caregivers, the person who made the report, and others as appropriate. It is vital that organizations do not interfere with this process. Organizations should check with the authorities before disclosing any information about the situation to anyone.

4. Following their investigation, it is the responsibility of the police to determine whether criminal charges should be laid, and the responsibility of the CAS to determine whether the child is in need of protective services.

5. In Canada, a person is innocent until proven guilty. Organizations must remember that. At the same time, they must take steps to ensure the safety of all children involved in the organization until an investigation is concluded. If a member of an organization is under investigation for child sexual abuse, an organization should seek legal advice.

3.5 What should an organization do if sexual abuse is alleged or disclosed?

A. Normality: Maintain the child's normal place in the group.

B. Affection: Don't assume that the child doesn't want anyone to touch him or her—ask and express affection in appropriate ways if the child permits and wants it.

C. Approval: Do what you can to validate the child—but don't make it so obvious or inappropriate that it becomes a reason for other children to comment.

D. Consistency and Predictability: The child's life may be in chaos because of the abuse. Try and provide whatever consistency and predictability you can on the team or in the group.

E. Sense of Belonging and Inclusion. Involve the child in the group's activities; make an effort to draw him or her in.

F. Structure: Structure, just like consistency and predictability, can help a child gain some sense of control over his or her own life. Structure can help provide safety.

G. Security/Confidentiality: Do not discuss the child's situation with anyone other than the authorities and the appropriate person/group in the organization.

H. Behavioural Limits: This is as important as structure—the child should not be allowed to be disruptive or to display anti-social behaviour on the team or in the group.

I. Encouragement and Stimulation: Where appropriate, help the child find resources that can help them or express their feelings in art.

(Adapted from Tools, Child Sexual Abuse Prevention: A Resource Kit)

4 MODULE Summary

MAKING OUR ORGANIZATION SAFER: GETTING FROM HERE TO THERE

Subject	Creating sexual abuse prevention measures through risk management activities
Prerequisites	Modules 1, 2, and 3
Target Audience	Board, Executive, Senior Staff Members, including Head Coaches, Head Referees, Head Leaders, Parent Reps, Older Players
Aim	To familiarize the leaders of the organization with risk management processes so they can create appropriate measures
Desired Training Result	Participants will develop a basic sexual abuse risk management plan, based on a risk assessment
Time	Five hours, minimum – best if done in one day
Opportunity/Setting	Should be held on a day set aside for this purpose, probably best on a weekend
Group Size	Six to 15 maximum
Method	• Facilitator's Welcome, Introductions • Lecture on Brief Recap of Modules 1-3 • Presentation on Road Map and Journey Metaphor • Lecture/Discussion/Exercise on Risk Management, Atmosphere, Operations, Structure, and Communication • Lecture/Exercise on Screening Mechanisms: Analysis of one position and identification of appropriate screening mechanisms • Discussion/recommendations re Structure elements of principle, policy, procedure • Development of outline of sexual abuse prevention/response plan
Training Aids	Flip chart or blackboard Prepared overheads/handouts
Facilitator Preparation	Familiarity with Making It SafeR, Sections I - VI necessary
Legend of acronyms used	PS: participants HO: handout MIS: Making It SafeR (reference to resources)
Handouts	Handouts provide the facilitator with supplementary speaking notes

4 MODULE Lesson Outline: Speaking Notes

Note: Instructions to facilitators are *italicized.*
Facilitator Welcomes Everyone. Introductions are made if necessary.

TIME	SPEAKING NOTES	CUES
	Note to Facilitator: *Participants should have already been through Modules 1-3. They should be convinced that the organization has to act to prevent child sexual abuse and committed to taking that action. This is not really an education Module as are Modules 1-3. This is a Module designed to provide organizations with a structure, framework, and the basic tools that they will need to determine what kind of action they need to take, and to walk them through designing the preliminary elements of that action plan. It will take several hours to do this; therefore, all participants should be "on the same page" before they undertake this Module.*	
5 MINS	**INTRODUCTION**	
	Organizations must do everything they can reasonably do to try and prevent harm -they can't just throw up their hands and say, "Oh, well, we can't protect absolutely, so let's just not try at all." So, the issue becomes: How do organizations go about doing what is reasonable to protect people from harm? How do we decide what to do and how to do it? There is a way - through risk management, and it lies at the heart of the journey that organizations need to take to become SafeR.	
30-60 MINS	**DEVELOPMENT**	
	Let's start with a brief recap of the issues covered in Modules 1, 2, and 3: *Facilitator should review the key elements identified on the overheads and handouts from Modules 1,2, and 3, touching on the key points –*	*Use HOs from Modules 1, 2 and 3*

e.g., why sport organizations are responsible, the legal reporting requirements, guidelines for appropriate responses to disclosures, suspicions, or allegations, etc. Allow enough time or questions of clarification, but be sure not to get bogged down in these. If a question arises that the Facilitator or a group member cannot answer, record it on a "parking lot" flip chart page, and commit to finding out the answer.

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10 MINS **The Journey to a SafeR Organization**

Remind the participants of the Journey image discussed in Module 1.

Use HO 4.1

When an organization sets out to do something about sexual abuse, it is setting out on a journey – from where it is now – to the destination – the SafeR Organization.

The good news is that there is a Road Map that can help organizations on this journey – it isn't necessary to stumble around feeling our way in the dark. There are directions and guideposts and signs; they make up the heart of this Module.

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15 MINS **Risk Management**

The heart of the journey toward the SafeR organization lies in finding ways to improve the Atmosphere, Operations, Structure, and Communication in an organization —to make each of them safeR. The way this is done is through risk management.

Use HO 4.2 and 4.3

Risk management: It may sound like a highly technical term, but it is really relatively straightforward, and it can be done properly and thoroughly by those who know the organization best.

Risk management simply means doing the following:

1. Asking the questions "what could go wrong here? How? With what consequences?"
2. Asking "How do we avoid these things? Eliminate them? Or minimize the possibility that they will happen?" Then doing those things that will minimize or avoid or eliminate the risk of harm.

Risk management is something that we do all the time; however, we often do it unconsciously and seldom label it. We don't let children swim in a pool without supervision; we put oven mitts on before taking something out of the oven. Doing risk management in our organizations is not very different from what we do in the rest of our lives.

Ask participants to suggest an everyday activity, not related to the organization's programs, and then, using the risk management handout (HO 4.2) and grid (HO 4.3), ask them to walk through the risk management steps – 1) Identifying what could go wrong, and 2) Identifying how to avoid, eliminate, or minimize these risks.

Do this as a discussion, a warm-up to the next step.

60-75 MINS

Risk Management of Atmosphere, Operations, Structure, and Communication (AOSC)

First, review the concept of these four as elements or layers of the organization's makeup. Give examples that fall into the different layers (e.g., – friendliness as part of the Atmosphere; the actual activities as part of the Operation; the Board as an element of the Structure; and the newsletter as an example of Communication).

Refer to HO 1.8 for a full description of AOSC

Tie the two things – the risk management questions and the AOSC framework – together – by using HO 4.3, which asks the risk management questions as applied to the Atmosphere, Operations, Structure, and Communication.

Group work: Ask groups to report to plenary

It may be useful to divide the group into four smaller workgroups, and ask one to work on an analysis of the Atmosphere, a second to work on Operations, etc. Handout 4.3 should help to get the groups started. Ask each group to record its findings on flip chart paper in two columns: A) What could go wrong? B) How do we avoid it? Eliminate it? Or minimize it?

Give the groups at least half an hour to work on these – encourage them to spend half the time brainstorming answers to the question "What could go wrong?" and the other half brainstorming answers to the questions "How do we avoid these things? Eliminate them? Minimize them?"

Reserve at least 30 minutes for the groups to come together and report – they should put the flip charts up around the room and describe their findings to the others. Through this, all participants will have at least a basic shared sense of the risk issues and of possible solutions that have been raised so far, and there will be a record of this exercise for the Board.

60-90 MINS

Screening Mechanisms

Screening the people who provide services, programs, or activities is one of the most important and least understood risk management measures that an organization can undertake. Any organization that works with children must screen its paid staff, volunteers and other people who provide a service to the organization (people on Ontario Works, community service orders, etc.) thoroughly and that means recognizing a number of basic facts. The handout lists the most important facts about screening that organizations need to know BEFORE THEY make decisions about how to screen.

Use HO 4.4

Review the handout that lists basic facts about screening.

One of the most serious mistakes that organizations make when they look at screening is that they choose screening tools (e.g., interviews, reference checks, police record checks, etc.) as if they were choosing food from a menu—basing their selection on what looks familiar, inexpensive, easy to digest, attractive, simple, etc. In fact, that kind of choice is very dangerous, because organizations must be able to defend the screening methods they choose. They must be able to respond to someone who asks why they have chosen this or that screening method. They must be able to respond, based not on convenience or expense, but strictly on the basis of what is called for by the individual positions, the risks each position involves, and the qualifications each position calls for. The next exercise will demonstrate how organizations can identify screening mechanisms that will really tell them the things they need to know in order to screen for a position. It is an exercise in analysing a position in the organization.

Ask the group to identify a position, preferably one that is a position of trust with a child. Such positions are the most complex and the riskiest, and therefore demand the most intense screening.

Use HO 4.5

This exercise is best done with the whole group. Follow the corresponding section in Making It SafeR.

Hand out the Position Analysis for Screening form (HO 4.5).

30 MINS

Principles, Policies, Guidelines, Procedures

Creating policies relevant to the prevention of child sexual abuse is an important part of the risk management work organizations have to do. However, too many organizations think it is the first and most important job. It is neither.

Policy is important and useful, and must be developed. Organizations must have formal statements that set out the values, rules, guidelines, and ways of doing things that enhance safety. However, policy must rest on the foundation of the principles that underlie an organization and that are consistent with law and with legislation. Otherwise, those policies will not withstand challenges. Many organizations parachute or borrow policy that other organizations have used, instead of doing the work themselves, as part of their efforts at risk management, to create policies that are meaningful, effective, and realistic in their situations.

Use HO 4.6

Likewise, many organizations confuse policy with guidelines and procedure, and that can make it very difficult to get things done. Policy should provide general guidelines, not specific details about what should be done, nor detailed descriptions of how things should be done.

Most important of all, organizations should never try to create policies thinking that they will cover all situations. It's vital to develop policy that gives people room to make judgements and exercise discretion.

Writing principles, policies, and procedures as a group is not a good use of time. However, it may be useful for the group to identify a starting list for the Board or Executive of areas about which principles, policies, and procedures need to be established.

Give PS an opportunity to read the hand out (4.6). Ask PS to identify areas of principle, policy, guidelines, and procedure that need to be developed. Use a flip chart to capture their ideas, and to record them for future use.

60 MINS

Creating a Prevention/Response Plan for the Organization

A great deal of work will have been accomplished if the organization does everything included in this Module. However, it is critical that what has been started here continue in a timely and orderly fashion. To help that happen, the final activity of this Module is a planning exercise. It isn't intended to be the final plan, but a first draft of it, one that the Board or Executive can take, refine, redraft, etc., as it sees fit.

Use HO 4.7

Give the participants the planning sheet, handout 4.7, and ask them to work in small groups to begin filling in the blanks. Emphasize again that this is just a draft; at the same time, encourage participants to recognize that real change takes time – that some initiatives and changes may be able to take place right away or within a short period of time, but others will take months, even years. Encourage participants to identify work to be done under each of the categories – not only "screen staff" or "develop policy." The exercise results should be given to the Board or Executive for its use in developing the final specific plans.

A Final Note:

Remember – we are trying to make our organizations SafeR – in some ways, this is an ongoing journey. *There are always ways to improve and make things safeR, so the organization shouldn't become complacent once it has outlined and implemented its initial prevention/response plan. A very important part of the plan is building in details as to how and when the organization will review, evaluate, and revise it as necessary on a periodic, but regular basis.*

15 MINS

SUMMARY AND CLOSURE

Review briefly the topics covered in this Module:

- Journey, Road Map
- Risk Management of Atmosphere, Operations, Structure, and Communication
- Screening
- Principle, Policy, Guidelines, and Procedure
- Planning Exercise

All participants should be thanked on behalf of the Board or Executive for their assistance, and a commitment made to report the final decisions to the organization as soon as possible.

Handouts

4.1 Journey

4.2 The Basic Process of Risk Management

4.3 Risk Management Template for Action

4.4 Basic Facts About Screening

4.5 Analyzing the Position to Determine Appropriate Measures

4.6 Principles, Policies, Guidelines, Procedures

4.7 Sexual Abuse Prevention/Response Plan – Template

PREVENTION
Destination: Safer Organization

Learn	Commit to action	Articulate	Conduct risk assessment	Eliminate/Reduce
Definitions and concepts	Organization	Values	Org. Atmosphere	Org. Atmosphere
Sport as target	Stakeholders	Principles	Org. Operations	Org. Operations
Abuse consequences			Org. Structure	Org. Structure
Obligations (legal, etc.)			Org. Communication	Org. Communication

RESPONDING TO COMPLAINTS
Destination: Abuse ends

Attend to complaint	Report complaint	Cooperate with authorities	Take preventive measures	Help organization heal
comfort	to authorities			
listen				
get basic story				
don't investigate				

4.2 The Basic Process of Risk Management

Risk management involves two basic steps:
1) Identifying and assessing risk, and
2) Identifying ways to deal with the risks and then taking action to do so.

STEP 1:
The organization asks the following questions about the different elements of the organization (Atmosphere, Operations, Structure, Communication):

WHAT COULD GO WRONG HERE?
HOW?
WITH WHAT KINDS OF CONSEQUENCES?
HOW LIKELY OR UNLIKELY IS IT THAT THESE THINGS WILL HAPPEN?
HOW SERIOUS WOULD THE CONSEQUENCES BE?

Basic kinds of risk should be considered, such as the risk of physical, emotional or psychological harm, financial loss or property damage.

STEP 2:
The organization then identifies appropriate responses to these risks and takes action, asking:

HOW DO WE AVOID THESE RISKS OR MINIMIZE OR ELIMINATE THEM?
IF WE CAN'T, HOW DO WE MINIMIZE THE HARM THAT MIGHT BE DONE?

In other words:
WHAT RISK MANAGEMENT MEASURES SHOULD WE BE TAKING?
WHAT RESOURCES DO WE NEED IN ORDER TO DO SO?

4.3 Risk Management Template for Action

Area/Element of Organization	**Foreseeable Risks and Potential Harm** - What Could Go Wrong? What consequences might there be in terms of Bodily Harm? Personal Injury? Loss of Reputation? Financial Loss? Property Damage?	**Risk Management Measures** How Do We Avoid It? Minimize It? Eliminate It?
ATMOSPHERE	1.Examples: No one wants to talk about the issue of sexual abuse; a child doesn't feel comfortable disclosing incident; someone is able to molest children. 2. 3.	
OPERATIONS	1. Examples:, There are lots of opportunities for players to be alone with adults - therefore, increased risk of abuse. 2. 3. ...	
STRUCTURE	1. Examples: No rules about what's acceptable and what's not, so it's hard to identify something as unacceptable and to discipline someone for it. 2. 3.	
COMMUNICATION	1. Examples: the "organization" identifies preventative actions re sexual abuse; some leaders say they're unnecessary which results in screening measures not being effectively enforced 2. 3. ...	

4.4 Basic Facts About Screening

THE FUNDAMENTALS OF GOOD SCREENING

"Screening" is not the same thing as "a police records check." A police records check is one screening tool that organizations may have to use, especially for positions of trust with children, but it is only one tool, and an organization must NEVER rely on a police records check as the only screening tool it uses.

Legitimate, defensible screening measures are based on the foreseeable risks and essential qualifications needed for each POSITION (e.g., referee, coach, team parent), and not on the characteristics of individuals applying for the position. Whether a position is paid, unpaid, volunteer, co-op, etc. is also irrelevant to the identification of the prudent, reasonable, appropriate, and necessary screening measures for that position.

Every position must be analysed individually to identify the necessary screening measures: different measures will be required by different positions. The appropriate screening measures for the Coach of a Rep Lacrosse team of 8-10 year-old girls will be somewhat different from those needed for the organization's Treasurer, and will be different again from those needed for a Team Parent. Assessing the real risks in each position will provide clear, objective, and defensible reasons for screening people in or out of certain positions.

Whether the individual is well-known to the organization or is a stranger is IRRELEVANT in terms of screening. The only issue the organization can look at is WHICH SCREENING MEASURES ARE CALLED FOR BY THE ESSENTIAL QUALIFICATIONS NEEDED FOR THIS POSITION?

The best screening measures can only be implemented AFTER someone is hired or engaged by the organization. Post-Hiring/Engagement Screening is far more important and more effective than even the most stringent pre-hiring screening measures could ever be.

Good screening measures are well-documented, well-established, and well-communicated in advance to everyone concerned.

Screening measures that are created but not enforced are at best useless and at worst, dangerous – because people think screening is taking place when it really isn't.
An organization that is unwilling to screen someone OUT is not screening.

4.5 Analyzing the Position to Determine Appropriate Screening Measures

(Position Risk Analysis Model © Lorraine Street, 1997, 1998, 1999.)

Name of Position: _____

1) ANALYZE THE POSITION

A. Describe the players or participants

i. Describe the players or participants:

ii. What are the characteristics of these players or participants? In what ways are they vulnerable?

B. Describe the activities related to this position:

i. What is the nature of the position?

ii. Actual physical activities – what does a person in this position do? What's involved in fulfilling this position?

C. Describe the setting(s) in which these "activities" take place

D. How is the position supervised?

i. Who sees what goes on between the individual in this position and the players or participants?

ii. How are people in this position actively supervised? How often? By whom? By what means?

2) CONDUCT A RISK ASSESSMENT OF THE POSITION

A. Assess what could go wrong

i. What kinds of things could go wrong here? What harm might be done? What risks are involved because of the characteristics of the players, the activities involved, the settings, and supervision? How serious could it be if something did go wrong or if someone was harmed?

- Bodily Harm (physical harm)
- Personal Injury
- Loss of Reputation
- Financial loss
- Property damage.

B. Determine response to the identified risks
What could be done to change how this "job" gets done or the circumstances around it in order to minimize the risks?

3) ON THE BASIS OF THE ANSWERS TO QUESTIONS (1) AND (2), IDENTIFY THE QUALIFICATIONS FOR THIS POSITION: what do we need to know about each applicant in order to properly screen for this position?

Qualifications (Identify as many as are really crucial to the fulfilment of the position):
i.

ii.

iii.

iv.

v.

4A. IDENTIFY APPROPRIATE PRE-HIRING SCREENING MECHANISMS FOR THIS POSITION

Qualification	Pre-Hiring Screening Tools
Competence	
Character	
Ability to work with kids, etc.	

4B. ON WHAT BASIS (BASES) COULD WE LEGITIMATELY SCREEN AN APPLICANT OUT OF THIS POSITION BEFORE HE/SHE IS HIRED/ENGAGED?

The basic questions that the organization has to ask itself are:
i. Are our position qualifications essential? (Are they necessary to the position?)
ii. Are they reasonable?
iii. Are they bona fide? (Is our organization requiring such-and-such a qualification in good faith, or because we are trying to screen certain people out?)
iv. Could we accommodate someone with a particular need or set of circumstances? (e.g., could someone with a particular disability be assisted to do a particular job?)

4.5 continued ...

5) IDENTIFY THE APPROPRIATE POST-HIRING SCREENING MECHANISMS FOR THIS POSITION:
Which tools will help us do the ongoing screening that is necessary and appropriate to this position, to ensure that the individual continues to display the qualifications and characteristics identified in question 3?

Criteria	Post-Hiring Screening Tools
Competence	
Character	
Ability to work with children, etc.	

4.6 Principles, Policies, Guidelines, Procedures

Policy is not the primary building block of risk management activities. Policies cannot stand on their own. They must be built on the basic principles of the organization if they are going to stand up to scrutiny. When someone asks why the organization does such and such a thing, it isn't adequate to say, "Because it is our policy." Policies have to be based on something – they can't just be created from thin air, or parachuted from other organizations. Their primary source is the principles on which the organization is founded, such as the following:
Priming the Pump: Starting Lists of Categories of Principles, Policies, Procedures, and Guidelines

I. Principles: These are the fundamental values and assumptions on which the organization is founded.

- Access for all, discrimination against none
- Sport should be fun
- Sport should encourage fair play, sportsmanship, team effort, etc.
- Sport encourages respect for all
- Sport strives for safety for all
- Values and principles should be acted upon and reflected in all areas of organization: atmosphere, operations, structure, and communication
- Recognition of the duty of care owed players, coaches, trainers, managers, officials, parents, board members, funders, sponsors, community-at-large by the organization and especially those in charge of it
- Recognition of and commitment to moral, ethical, and legal practice in all dealings
- Acknowledgement of laws that govern organization's activities; commitment to adherence to them

II. Policies: These are guiding statements that indicate a course of action, but don't spell out the details of how the action will be undertaken.

- goal and focus of this policy is to guide the organization's actions with respect to preventing and responding to the issue of child sexual abuse, defined as ...
- this policy applies to all sanctioned activities of the organization and to everyone who is a member of it, plays for it, acts on its behalf, etc.
- this policy is based on the values and principles articulated by the organization and is consistent with them
- the organization will develop guidelines for its various programs, and procedures related to this issue. These guidelines and procedures may be changed from time-to-time by decisions of the Board or Executive or staff ...
- in this organization, the standard of behaviour expected of all is
- the organization will abide by the requirements of the law with respect to the reporting of abuse and will cooperate with authorities

III. Guidelines: These are rules the organization sets about specific, concrete issues. They should be widely and repeatedly communicated, and enforced consistently, if they are to have any value.

During the Game, On the Field, Ice, etc., During a practice, tournament, etc.:

- Profanity from any member of the organization is unacceptable and will be ...
- Spectators are expected to observe the same Code of Conduct as are players,
- Coaches may not ...

Locker Room, Dressing Room

- There should always be a minimum of two youth or adult leaders in a room with children at all times.
- No youth or adult should ever be alone in a room with a single child.
- All youth and adults not on the team should leave the locker room when children are showering or dressing ...
- A parent rep or alternate will be in the locker room with the team at all times except

Transportation

- Children under the age of ... will be brought to games, practices, etc. by their parents and/or picked up by them. Coaches or other team officials will not under any circumstances, except life-threatening emergency, drive children other than their own, to or from ...

Behaviour/conduct that will trigger an internal disciplinary hearing/process
Actions such as ...

Behaviour/Conduct that Constitutes Sexual Abuse
Sexual abuse is the use of a young or less powerful person by an older or more powerful child, adolescent, or adult for sexual gratification. Sexual abuse can include both contact and non-contact acts.

As stated in ***Speak Out! ... Act Now!***:

There are two categories of sexual abuse, contact and non-contact.

Examples of non-contact acts:

- flashing or exposing sexual body parts to a young athlete;
- watching intrusively as a young athlete changes or showers;
- speaking or communicating sexually/seductively with a young athlete;

- showing pornographic films, magazines or photographs to a young athlete;
- having young athletes participate in the creation of pornographic materials;
- performing sexual acts in a front of a young athlete;
- objectifying or ridiculing a young athlete's sexual body parts.

Examples of contact acts:

- kissing or holding a young athlete in a sexual manner;
- touching a youth athlete's sexual body parts or forcing someone to touch another person's sexual parts;
- penetrating a young athlete anally or vaginally, with objects or fingers;
- having vaginal, anal, or oral intercourse with a young athlete.

(Source: *Speak Out! ... Act Now!* Canadian Hockey Association. Section 1, Chapter 3, pp. 5-6)

4.7 Sexual Abuse Prevention/Response Plan – Template

Aspect of Organization?	Risks Identified	Measures Needed?	Who is Responsible?	Who Should Be Involved?	Timeline?	Reporting? Accountability?	Resources/ Support eeded?
AMBIANCE							
ACTIVITÉS							
STRUCTURES							
COMMUNICATIONS							

Coach's Notes

PREVENTING
Sexual Abuse
of children in sport

As a coach, you play an important role in a young person's development – both off and on the field of play. Your influence goes far beyond a single season and far beyond teaching the skills of a game.

You are trusted. You have to be, to be a successful coach.

Because young players want to please their coach and because their self-confidence and self-esteem is just building, many find it difficult to refuse what a coach asks of them. This gives a coach an enormous amount of power.

Most coaches use this power positively and work hard at helping to develop a young person's sense of success, self-worth, confidence, and positive values.

Unfortunately, there are a few people who seek out opportunities, such as coaching, looking for a chance to take sexual advantage of a young person. They know that being a coach means they can gain the trust of – and power over – young people.

The very thought that one of your young athletes may be a victim of sexual abuse seems unthinkable—even impossible. That's why sexual abuse can go undetected.

Making it safe

WHAT IS CHILD SEXUAL ABUSE?

Child sexual abuse may be characterized as the use of a child by an older or more powerful child, adolescent, or adult for sexual gratification. There are two categories of sexual abuse – contact and non-contact.

Non-contact:
"flashing or exposing sexual body parts to a young athlete; watching intrusively as a young athlete changes or showers; speaking or communicating sexually/seductively with a young athlete; showing pornographic films, magazines or photographs to young athletes; having young athletes participate in the creation of pornographic materials; forcing a young athlete to watch a sexual act performed by others; objectifying or ridiculing a young athlete's body parts."[2]

Contact:
"kissing or holding a young athlete in a sexual manner; touching a young athlete's sexual body parts or forcing a young athlete to touch another person's sexual parts; penetrating a young athlete anally or vaginally with objects or fingers; having vaginal, anal or oral intercourse with a young athlete."[1]

WHAT SHOULD BE DONE IF YOU SUSPECT SEXUAL ABUSE?

The law says that any person in Ontario who has reasonable grounds to suspect that a child is or may be in need of protection should report it directly and promptly to the authorities. In Ontario, this means notifying a children's aid society and where appropriate, the police. You should also report to the Board of Directors of your organization. However, reporting an incident to your organization does not absolve you from the personal responsibility of reporting it to the authorities.

If you are performing official or professional duties, you **have a legal obligation to report a suspected case of sexual abuse, or other situations where a child may be in need of protection.**[3]
You are liable to a fine of up to $1000.00 if you fail to make a report.

SETTING THE BOUNDARIES

Not everyone feels the same about their personal space so it is important to set the boundaries to ensure that there are no misunderstandings. It is up to you, as a coach, to take the lead in helping your team, including the players, parents, team officials and everyone involved, understand and determine where the appropriate personal space boundaries lie.

The heightened awareness of the risks of sexual abuse means that we have to be more conscientious than ever about boundaries and about not crossing those lines.

Here are some guidelines on boundaries.

[1] Woodhouse, P (1998). Abuse and neglect. Speak Out! ... Act Now! Section 1, Chapter 3, Canadian Association for the Advancement of Women and Sport and Physical Activity, and Canadian Hockey Association. Ottawa: Canadian Association for the Advancement of Women and Sport and Physical Activity. p. 4
[2] Ibid, p.5
[3] Refer to the Ministry of Community and Social Services' brochure "Reporting Child Abuse" for more information, including other situations (not just child sexual abuse) which require a report to be made.

Emotional/Verbal Boundaries

Positive feedback and constructive criticism on performance is important. However, negative feedback or criticism about the person is not acceptable and crosses the emotional/verbal boundary line. Coaches should critique the skill, not the person. "You're stupid," You're too fat" are definitely unacceptable criticisms.

Sexual Boundaries

Coaches often have to stand close to athletes or touch them while demonstrating or correcting a skill. Coaches, athletes and parents should be in agreement about what kind of contact is necessary and appropriate for a specific age group in a specific sport. Any physical touching that makes an athlete uncomfortable is inappropriate. Coaches should not be in dressing rooms or showers while athletes change. Children too young to dress themselves after a sporting event should be accompanied by a parent.

Social Boundaries

Attending sport-related events like awards, banquets and team barbecues is completely appropriate—it is integral to building individual and team spirit. However, a coach should avoid non-sport related parties or other activities with athletes.

Physical Boundaries

Remember too, there are physical boundaries that dictate that drills are only used to develop fitness and skills. Exercise should never be used as a punishment.

FAIR PLAY: CODES OF CONDUCT FOR COACHES, PLAYERS AND PARENTS

A safe environment is one that encourages fair play, dignity and respect. Having a code of conduct for everyone involved – the organization, the parents and the children themselves – goes a long way to Making it SafeR. It's a coach's responsibility to lay the ground rules and set the standards.

Players have the right to protection and support. They also have a responsibility (according to their age and experience) to do their part to build protective and supportive environments. Talk to your players about their role within their code of conduct – not just once, but throughout the season. Perhaps you could focus on one section at each practice. Point out examples of when the code is not being respected, and remember to emphasize when it is!

Parents, as every coach knows, are key to the success of a team and a season. Work with parents in helping them understand the part they play in promoting a safe and healthy sporting atmosphere. Their being involved is the first step.

Here are some suggested codes of conduct that will go a long way to promoting an atmosphere of respect and responsibility and encouraging safe sport.

Coach's Code

As a coach I will:
Respect others, in victory and defeat by:

- treating players, parents, opponents, coaches and other officials fairly, regardless of gender, ethnic background, colour, sexual orientation, religion, political belief or economic status
- directing all comments at the performance rather than the person
- never criticizing other coaches.

Put the health and wellbeing of my athletes first by:

- co-operating with the parents or legal guardians of my athletes, involving them in their child's development
- conducting practices and games in ways that are mindful of the academic pressures placed on my student athletes and promote their academic success
- ensuring that the activity being undertaken is suitable to the age, experience, ability, and fitness level of the athletes
- co-operating with registered medical practitioners in the overall management of my athletes' medical and psychological health
- recognizing and accepting when it is time to refer athletes to other coaches or sport specialists and allowing athletes' goals to take precedence over my own

Be a good role model by:

- displaying high personal standards
- abstaining from and not tolerating the use of drugs, alcohol, and tobacco products in conjunction with sport and discourage their use, and that of other banned performance enhancing drugs, by athletes at all times
- not using profane, insulting, harassing or otherwise offensive language

Stand on guard against abuse and promote a safe environment by:

- reporting any suspicion of sexual abuse (and other situations when a child may be in need of protection, such as neglect) to the authorities and advising the board or executive
- refraining from verbal or physical behaviours that constitute harassment or abuse
- educating athletes about their responsibilities in contributing to a safe environment

Player's Code

As a player, I will:

- play by the rules and in the spirit of the game
- respect my fellow players, my coaches, the officials, and my opponents
- do my best to be a true team player
- remember that winning isn't everything, that having fun, improving my skills, making friends, and doing my best are just as important
- acknowledge all good plays or performances, both those of my team and my opponents
- participate because I want to, not just because my parents or coaches want me to
- control my temper – fighting and mouthing off spoil the game for everyone
- remember that coaches and officials are there to help me. I will accept their decisions and show them respect.

Parent's Code

As a parent, I will:

- remember that my child plays sport for their enjoyment, not for mine
- encourage my child to play by the rules and to resolve conflicts without resorting to hostility or violence
- teach my child that doing one's best is as important as winning, so that my child will never feel severely defeated by the outcome of a game or event
- make my child feel like a winner every time by offering praise for competing fairly and trying hard
- never ridicule or yell at my child, or another child, for making a mistake or losing a competition
- remember that children learn best by example. I will applaud good performances by both my child's team and their opponents
- never force my child to participate in sports
- never question the official's judgement or honesty in public – I will take concerns to the proper officials
- respect and show appreciation for the trained volunteer coaches and other team leaders who give their time and energy to provide sport activities that help my child grow and develop.

A COACH'S GAME PLAN FOR Making It SafeR

Here's a seven-point game plan for a safe sporting environment.

1. Learn the rules and practice the Coaches Code of Conduct.
2. Learn what sexual abuse is and work to ensure that it does not take place on your team.
3. Report any situation where you suspect a child may be in need of protection, as in the case of possible sexual abuse. Know who to talk to and how to make the report.
4. Learn and fulfil your responsibilities as defined by your league or organization.
5. Introduce the players to the Players Code of Conduct and their parents to the Parents Code of Conduct.
6. Communicate regularly with your players and their parents throughout the season, so that everyone is clear about the rules and expectations.
7. Have fun!!

Parts of this booklet were adapted from **Sport Safe, BC Coach's Guide**

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Position Analysis

(Position Risk Analysis Model © Lorraine Street. 1997, 1998, 1999.)

Name of Position: _____

1) ANALYZE THE POSITION

A. Describe the players or participants

i. Describe the players or participants:

ii. What are the characteristics of these players or participants? In what ways are they vulnerable?

B. Describe the activities related to this position:

i. What is the nature of the position?

ii. Actual physical activities – what does a person in this position do?
What's involved in fulfilling this position?

C. Describe the setting(s) in which these "activities" take place

D. How is the position supervised?

i. Who sees what goes on between the individual in this position and the players or participants?

ii. How are people in this position actively supervised? How often? By whom? By what means?

2) CONDUCT A RISK ASSESSMENT OF THE POSITION

A. Assess what could go wrong

i. What kinds of things could go wrong here? What harm might be done? What risks are involved because of the characteristics of the players, the activities involved, the settings, and supervision? How serious could it be if something did go wrong or if someone was harmed?

- Bodily Harm (physical harm)
- Personal Injury
- Loss of Reputation
- Financial loss
- Property damage.

continued ...

B. Determine response to the identified risks
What could be done to change how this "job" gets done or the circumstances around it in order to minimize the risks?

3) ON THE BASIS OF THE ANSWERS TO QUESTIONS (1) AND (2), IDENTIFY THE QUALIFICATIONS FOR THIS POSITION: what do we <u>need</u> to know about each applicant in order to properly screen for **this position?**

Qualifications (Identify as many as are really crucial to the fulfilment of the position):
i.

ii.

iii.

iv.

v.

4A. IDENTIFY APPROPRIATE PRE-HIRING SCREENING MECHANISMS FOR THIS POSITION

Qualification	Pre-Hiring Screening Tools
Competence	
Character	
Ability to work with kids, etc.	

4B. ON WHAT BASIS (BASES) COULD WE LEGITIMATELY SCREEN AN APPLICANT OUT OF THIS POSITION BEFORE HE/SHE IS HIRED/ENGAGED?

The basic questions that the organization has to ask itself are:
i. Are our position qualifications essential? (Are they necessary to the position?)
ii. Are they reasonable?
iii. Are they bona fide? (Is our organization requiring such-and-such a qualification in good faith, or because we are trying to screen certain people out?)
iv. Could we accommodate someone with a particular need or set of circumstances? (e.g., could someone with a particular disability be assisted to do a particular job?)

continued ...

5) IDENTIFY THE APPROPRIATE POST-HIRING SCREENING MECHANISMS FOR THIS POSITION:
Which tools will help us do the ongoing screening that is necessary and appropriate to this position, to ensure that the individual continues to display the qualifications and characteristics identified in question 3?

Criteria	Post-Hiring Screening Tools
Competence	
Character	
Ability to work with children, etc.	